LAWS

RESOLUTIONS AND MEMORIALS

OF THE

State of Montana

PASSED AT THE

THIRD REGULAR SESSION

OF THE

LEGISLATIVE ASSEMBLY.

HELD AT HELENA, THE SEAT OF GOVERNMENT OF SAID STATE, COMMENCING JANUARY 2ND, 1893, AND ENDING MARCH 2ND, 1893.

PUBLISHED BY AUTHORITY.

INTER MOUNTAIN PUBLISHING COMPANY
STATE PRINTERS
BUTTE CITY, MONTANA

1893

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CERTIFICATE OF AUTHENTICATION

State of Montana, }
Secretary's Office. }

I, L. ROTWITT, Secretary of State of the State of Montana, do hereby certify that the printed Laws, Resolutions and Memorials contained herein are true and correct copies of all the Enrolled Laws, Resolutions and Memorials that were passed at the Third Regular Session of the Legislative Assembly of said State, begun January 2nd, A. D. 1893, and ending March 2nd, 1893, and held at Helena, the seat of government of said State, with the exception of corrections in orthography and punctuation, and omission or substitute words inserted in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of said State. Done at Helena, the seat of government of the State of Montana, this 8th day of June, A. D. 1893.

[SEAL]

L. ROTWITT,
Secretary of State.

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OFFICERS AND MEMBERS

OF THE

Third Legislative Assembly

GOVERNOR:

JOHN E. RICKARDS.

LIEUT.-GOV. AND PRES. OF SENATE:

ALEXANDER C. BOTKIN.

MEMBERS OF THE THIRD LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA.

SENATE.

Names of Members.	Counties Represented.	Senatorial District Represented.	Post Office.
*George H. Brown	Beaverhead	1	Dillon.
†Simeon R. Buford	Madison	2	Virginia City.
*Charles W. Hoffman	Gallatin	3	Bozeman.
†Edward Cardwell	Jefferson	4	Cold Springs
*C. H. Eggleston	Deer Lodge	5	Anaconda.
†Elmer D. Matts	Missoula	6	Missoula.
*W. L. Steele	Lewis & Clarke	7	Helena
†J. W. Power	Choteau	8	Fort Benton.
*D. E. Folsom	Meagher	9	White Sulphur Springs.
†William McDermott	Silver Bow	10	Butte.
*Reno Swift	Custer	11	Ekalaka.
†O. F. Goddard	Yellowstone	12	Billings.
*T. B. Cullen	Dawson	13	Glendive.
†Charles W. Baylies	Fergus	14	Lewistown.
*George M. Hatch	Park	15	Big Timber.
†Paris Gibson	Cascade	16	Great Falls.

†Term expires one day after election in November, 1894.
*Term expires one day after election in November, 1896.

SUBORDINATE OFFICERS.

David Marks.....Secretary.
P. J. Gilligan.....Assistant Secretary.
William P. McAllister.....Enrolling Clerk.
F. F. Hagan.....Engrossing Clerk.
Charles F. Riordan.....Sergeant-at-Arms.
R. J. H. Crooker.....Chaplain.
Morris Langhorne and Alex. Goodman.....Pages.

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HOUSE OF REPRESENTATIVES

Names of Members.	Counties Represented.	Post Office.
Matthews, Thomas, Speaker	Silver Bow	Butte City.
Bray A. F., Speaker pro tem	Silver Bow	Butte City.
Annear, Joseph	Silver Bow	Walkerville.
Ash, T. S	Park	Livingston.
Babcock, A. L	Yellowstone	Billings
Bach, Thomas C	Lewis and Clarke	Helena.
Beecher, D. W	Cascade	Great Falls.
Benson, N. E	Meagher	Castle.
Bonner, Charles	Deer Lodge	Granite
Bray, C. H	Lewis and Clarke	Helena.
Burke, Ed	Deer Lodge	Anaconda.
Burns, T. C	Choteau	Chinook.
Burrell, Alex	Lewis and Clarke	Marysville.
Butler, S. H	Missoula	Kalispell.
Carpenter, Stephen	Lewis and Clarke	Helena.
Coder, C. L	Fergus	Alpine
Davidson, A. J	Lewis and Clarke	Helena
Dudley, C. E	Lewis and Clarke	Marysville.
Fitschen, G. C	Silver Bow	Butte City.
Fitzgerald, T. D	Deer Lodge	Anaconda.
Fleming, J. E	Beaverhead	Bannack.
Goodell, C. M	Fergus	Philbrook.
Graves, S. W	Silver Bow	Butte City.
Gorman, Michael	Missoula	Missoula.
Hoffman, L. A	Custer	Miles City.
Jeffers, J. B	Madison	Ennis.
Kilgallon, T. S	Silver Bow	Butte City.
Lawrence, David	Silver Bow	Butte City.
Leech, E. E	Choteau	Choteau.
Lockey, Richard	Lewis and Clarke	Helena.
Lockhart, W. H	Jefferson	Lockh rt.
Logue, W. A	Deer Lodge	Sunset.
Loring, Lyman	Missoula	Demersville.
Losee, J. B	Beaverhead and Deer Lodge	Anaconda.
Lewis, Thomas H	Cascade and Dawson	Glasgow.
McKay, J. P	Custer	Miles City.
McDonel, Jas	Deer Lodge	Philipsburg.
Metzel, Alex	Madison	Puller's Springs.
Monteath, J. H	Silver Bow	Butte City.
Murphy, J. H	Lewis and Clarke	Rimini.
Martin, James E	Gallatin	Bozeman.
Rose, A. O	Beaverhead	Dillon.
Sappinton, H. H	Gallatin and Jefferson	Sappington.
Scharnikow, E	Deer Lodge	Deer Lodge
Smalley, E. C	Missoula	Stevensville.
Swett, W. H	Silver Bow	Butte City.
Tallant, D. J	Cascade	Great Falls.
Tierney, W. E	Meagher	Townsend.
Truman, Arthur	Gallatin	Spring Hill.
Van Cleve, Paul	Park	Melville.
Wahle, Benjamin	Jefferson	Boulder.
Walkup, J. R	Deer Lodge	Anaconda.
Ward, G. W	Deer Lodge	Hamilton.
Wilson, F. K	Silver Bow	Butte City.
Winter, Harry E. G	Jefferson	Basin.

SUBORDINATE OFFICERS.

H. J. Mieli ..... Chief Clerk.
C. Z. Pond ..... Assistant Chief Clerk.
James A. Gilfillan ..... Engrossing Clerk.
N. H. Connolly ..... Enrolling Clerk.
F. C. Ives ..... Sergeant-at-Arms.
Rev. S. E. Snyder ..... Chaplain.
Jos. Ryan, L. R. Peck, Edward Boos and H. C Beecher ..... Pages.

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GENERAL LAWS

OF

MONTANA

ENACTED BY THE

THIRD LEGISLATIVE ASSEMBLY.

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GENERAL LAWS.

An Act Appropriating Money to Pay the Salaries of the Officers and Attaches of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of eighteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the salaries of the officers and attaches of the Senate and House of Representatives of the Third Legislative Assembly of the State of Montana.

SECTION 2. The State Auditor shall, upon the presentation to him of a pay roll from either or both branches of the Legislative Assembly containing the names of the officers and employes and the number of days employed and the amount allowed for each day, and approved by the Presiding Officer of each branch of the Legislature presenting the same, and attested by the Clerk or Secretary thereof, shall draw his warrant in favor of such person or persons named in such pay roll for the amount therein set out.

SECTION 3. The State Auditor shall keep a true and correct account of the name of each officer and employe of the Legislative Assembly and the number of days employed and the amount paid as certified to him in accordance with the provisions of section 2 of this Act.

SECTION 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

APPROVED Jany. 30, 1893.

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An Act Appropriating Certain Moneys for the Care and Keeping of State Convicts.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of twenty-four thousand eight hundred and twenty-one and forty one-hundredths dollars ($24,821.40) is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid to Frank Conley and Thomas McTague, for the care, custody and keeping, and supplies furnished to the State convicts in the Penitentiary at Deer Lodge, from August 15th, 1892, to and including November 30th, 1892, and the State Auditor is hereby authorized and directed to draw his warrant upon the State Treasury in favor of Frank Conley and Thomas McTague for the sum of twenty-four thousand eight hundred and twenty-one and forty one-hundredths dollars ($24,821.40), being the amount due up to and including the end of the fiscal year 1892.

SECTION 2. This Act shall take effect and be in force from and after its passage.

APPROVED Feby. 2, 1893.

An Act Appropriating Certain Moneys for Mitchell and Mussigbrod for Interest upon Certain Claims Authorized by the Second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of three thousand three and twelve one-hundredths ($3,003.12) dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid to A. H. Mitchell and C. F. Mussigbrod for interest upon claims for the care and keeping insane, not paid when due for want of funds appropriated for said purposes, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said Mitchell and Mussigbrod for said sum hereby appropriated.

SECTION 2. This Act shall take effect from and after its approval.

APPROVED Feby. 8, 1893.

An Act Appropriating Certain Moneys for Conley and McTague for Interest upon Certain Claims Authorized by the Second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one thousand seven hundred and

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twenty-one and ninety-one one-hundredths ($1,721.91) dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid to Frank Conley and Thomas McTague for interest upon claims for the care and keeping of State convicts in the State Penitentiary, not paid when due for want of funds appropriated for said purpose, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said Conley and McTague for said sum hereby appropriated.

SECTION 2. This Act shall take effect from and after its approval.

APPROVED Feby. 8, 1893.

An Act Appropriating Money for the Relief of Stephen Carpenter for Services Rendered the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of twelve hundred ($1,200) dollars, to be paid to Stephen Carpenter to compensate him in full for services rendered the State of Montana, as Clerk of the Code Commission of the State of Montana, at the request and under the direction of said Code Commission, from the first day of June, 1891, to the first day of February, 1892.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said Stephen Carpenter for the sum of twelve hundred ($1,200) dollars, and the State Treasurer is hereby directed to pay the same.

SECTION 3. This Act shall take effect immediately.

APPROVED Feby. 15, 1893.

An Act Appropriating Money for the Relief of William M. Blackford for Services Rendered the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of three hundred and eighty-five ($385) dollars, to be paid to William M. Blackford to compensate him in full for services rendered the State of Montana as Clerk of the Code Commission of the State of Montana, at the request and under the direction of the said Code Commission, from the 14th day of March, 1891, to the first day of June, 1891.

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SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said William M. Blackford for the said sum of three hundred and eighty-five ($385) dollars, and the State Treasurer is hereby directed to pay the same.

SECTION 3. This Act shall take effect immediately.

APPROVED Feby. 15, 1893.

An Act Appropriating Money for Services Rendered by William J. Kennedy as Clerk of Supreme Court from November 8th, 1889, to March 7th, 1891.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of one thousand one hundred and fifty-four and thirty-three one-hundredths ($1,154.33) dollars, to be paid to William J. Kennedy for his services as Clerk of the Supreme Court from November 8th, 1889, to March 7th, 1891, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said William J. Kennedy for the said sum hereby appropriated.

SECTION 2. This Act shall take effect from and after its passage.

APPROVED Feby. 15, 1893.

An Act Appropriating Money for Journal Publishing Company for Interest Upon Certain Claims Authorized by the Second Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of four hundred and one and twenty-four one-hundredths ($401.24) dollars is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid to the Journal Publishing Company, interest upon claims for public printing and supplies, not paid for want of funds appropriated for said purposes.

And the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said Journal Publishing Company for said sum hereby appropriated.

SECTION 2. This Act shall take effect from and after its passage and approval.

APPROVED Feby. 15, 1893.

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An Act Appropriating Money for the Relief of John R. Eardley for Services Rendered the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of one hundred and fifty dollars ($150.00), to be paid to John R. Eardley to compensate him in full for services rendered the State of Montana, under the direction of E. A. Kenney, Auditor of the said State of Montana, during the month of December, A. D. 1892. And the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of the said John R. Eardley for the said sum of one hundred and fifty dollars ($150.00).

SECTION 2. This Act shall take effect immediately.

APPROVED Feby. 16, 1893.

An Act Appropriating Certain Moneys for the Payment of Repairs and Improvements Made Upon the State Prison Buildings by Authority of the Board of State Prison Commissioners.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of five thousand six hundred and five and eighteen one-hundredths ($5,605.18) dollars, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to be paid to Frank Conley and Thomas McTague, for repairs and improvements made upon State Prison buildings, under the direction of and by authority of the Board of State Prison Commissioners, and the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer in favor of said Frank Conley and Thomas McTague for the said sum herein appropriated.

SECTION 2. This Act shall take effect from and after its passage.

APPROVED Feby. 16, 1893.

An Act Entitled "An Act to Appropriate Money for the Furnishing of the Office of the Clerk of the Supreme Court."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one thousand ($1,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay

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for the furnishing of the office of the Clerk of the Supreme Court, with proper facilities for the security of the records and files of the office.

SECTION 2. This Act shall take effect from and after its passage.

APPROVED Feby. 23, 1893.

An Act Appropriating Money for the Purpose of Making a Display at the World's Fair Columbian Exposition.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of fifty thousand dollars ($50,000.00), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to be used by the State Board of World's Fair Managers in collecting, forwarding and in a suitable manner exhibiting and advertising the material resources of the State of Montana.

SECTION 2. That the amount of money so appropriated, or so much thereof as may be necessary, shall be used for the purposes hereinafter stated, and shall be applied by the World's Fair Commissioners of Montana in payment for the purposes named herein.

SECTION 3. For printing and advertising in regular pamphlet form, including statistics, and said printing to be done within the State of Montana, 5,000.00.

AGRICULTURE.

Expenses of installing agricultural exhibit ..	2,797 00
Freight of agricultural exhibit	864 00
Transfer from cars	75 00
Three (3) attendants for six (6) months ...	2,160 00
Expenses of special freight on shipments during season.....	650 00
Switching charges	36 00

MINERALS.

Cost of pavilion, installation, show cases and shelving	5,800 00
Attendants during Fair, police and employes.	1,800 00
Freight	364 00
Transfer from cars	225 00
Switching charges	36 00
Reboxing and shipment.....	864 00
Transfer from cars	225 00

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LIVE STOCK EXHIBIT.

Freight on three (3) cars stock	432 00
Switching charges	18 00
Care of stock for six (6) months	1,200 00
Feed	325 00
Return freight	432 00

EDUCATIONAL EXHIBIT.

Installation	1,625 00
Work in arranging	430 00
Railroad fare	114 00
Attendants	1,200 00
Freight	144 00
Switching	6 00
Packing transfer	55 00
Boxing and reboxing	225 00
Return freight	144 00

HORTICULTURE.

Freight	75 00
Installation	250 00
Attendants	600 00
Shipments during season and collection	55 00

SALARIES OF OFFICERS.

Salary of Secretary for ten (10) months	1,666 66
" President " "	166 66
" Treasurer " "	83 33
" Executive Commissioners for ten months	2,500 00
Per diem of members	700 00
Expenses of assistance to Executive Commissioner, including all clerical help	2,500 00

LADIES' DEPARTMENT.

For Ladies' Department	4,600 00

EXPENSE OF MONTANA STATE BUILDING.

Furniture	2,800 00
Attendants	1,800 00
Lighting	225 00
Water	300 00

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MISCELLANEOUS EXPENSES.

Observance of Montana Day	2,000 00
Telegrams, messenger service, painting and repairs of fixtures	375 00
Flags and decorations	225 00
Electroliers and lights	450 00
Gas for fuel	100 00
Grading of walks	75 00
Postage and stationery	360 00
Insurance and incidental expenses	847 35
Total	$ 50,000 00

SECTION 4. In case of a deficiency in any of the above mentioned items the Executive Commissioner can, at his discretion, transfer to such deficient fund from any other fund that may be in excess of the amount needed for the purpose: *Provided*, That in case of a deficiency in any of the above mentioned items, the Executive Commissioner can, at his discretion, transfer to such deficient fund from any other fund that may be in excess of the amount needed for the purpose, but no such transfer must be made to the fund for salaries of officers or per diem of members.

SECTION 5. One-half of the sum hereby appropriated is made available upon the passage of this Act, and the other half on May 1, 1893.

SECTION 6. All bills contracted by said State Board of World's Fair Commissioners shall be audited and approved by the Auditing Committee of said Board before the same are paid.

SECTION 7. This Act shall take effect and be in force from and after its passage.

APPROVED Feby. 23, 1893.

An Act Appropriating Money for the Payment of Services Rendered by the State Board of Arbitration.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one hundred and ten and forty one-hundredths dollars ($110.40), be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the following named persons:

First. To the administrator or executor of the estate of W. J. Penrose, for services as member of the Board of Arbitration for the year 1890, ($53.80).

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Second. For Charles F. Mussigbrod for services as member of the Board of Arbitration for the year 1890, $56.60.

And the State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for the purposes herein named, and the sums hereby appropriated for said persons.

SECTION 2. This Act shall take effect from and after its passage.

APPROVED Feby. 23, 1893.

An Act Appropriating Certain Moneys for Payment of Sundry Expenses of Code Commission.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of seven hundred and forty-four and sixty-four one-hundredths ($744.64) dollars, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the following named persons:

First. For William A. Dobbins, for services as Janitor of the Code Commission, from May 1, 1891, to February 1, 1892, $50.00.

Second. For W. G. Bailey, for rent of offices for Code Commission, from March 15, 1891, to February 4, 1892, $691.14.

Third. For the Helena Gas Light and Coke Company, for gas furnished to Code Commission for February, 1891, $0.75.

Fourth. For the Journal Publishing Company, for supplies furnished to Code Commission, September 21, 1891, $2.75.

And the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for the persons herein named and the sums hereby appropriated for said persons.

SECTION 2. This Act shall take effect from and after its passage.

APPROVED Feby. 24, 1893.

An Act Appropriating Money for the Payment of Sheriffs for Serving Extradition Papers and Transporting Prisoners to the State Prison.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of seven thousand two hundred and sixty-five and ten one-hundredths ($7,265.10) dollars be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, for the following named persons:

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First. For Joseph Hamilton, Sheriff of Cascade County, expenses on extradition papers and transporting convicts to the State Prison, in November and December, 1892, $209.75.

Second. For Joel Gleason, Sheriff of Dawson County, serving requisition papers in 1890, $62.40.

Third. For D. J. Heyfron, Sheriff of Missoula County, transporting prisoners to State Prison, in 1889, $64.20.

Fourth. For W. H. Houston, Sheriff of Missoula County, transporting prisoners to State Prison, in 1890, $729.60.

Fifth. For Dodley Halford, Sheriff of Jefferson County for transporting prisoners to State Prison, in 1890 and 1891, $345.20.

Sixth. For Chas. M. Jefferis, Sheriff of Lewis and Clarke County, for transporting prisoner to the State Prison, in November, 1892, $34.50.

Seventh. For Edward J. Jones, Sheriff of Custer County, for transporting prisoners to State Prison, in 1890, $1,111.20.

Eighth. For John E. Lloyd, Sheriff of Silver Bow County, for serving extradition papers in 1890, and for transporting prisoners to State Prison, in 1892, $1,058.65.

Ninth. For J. M. Ramsey, Sheriff of Yellowstone County, for transporting prisoners to State Prison, in 1890 and 1892, $461.20.

Tenth. For James M. Robertson, Sheriff of Gallatin County, for transporting prisoners to State Prison, in 1892, $281.40.

Eleventh. For Charles T. Rader, for transporting prisoners to the State Prison, in 1890, $75.00.

Twelfth. For A. O. Rose, Sheriff of Beaverhead County, for transporting prisoners to the State Prison, in 1890 and in 1892, $372.90.

Thirteenth. For Maurice Sullivan, Sheriff of Fergus County, for transporting prisoners to the State Prison, in 1890, $501.50.

Fourteenth. For O. P. Templeton, Sheriff of Park County, for transporting prisoners to State Prison, in 1890 and in 1892, $1,224.00.

Fifteenth. For Eugine D. Sullivan, Sheriff of Silver Bow County, for serving extradition papers and transporting prisoners to State Prison, in 1890, $733.60.

And the State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for the persons herein named and the sums hereby appropriated for said persons.

SECTION 2. This Act shall take effect from and after its passage.

APPROVED Feby. 24, 1893.

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An Act Appropriating Money for the Payment of Statistics Furnished the State by County Assessors for the Years 1890, 1891 and 1892.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of five thousand two hundred and twenty-seven and ninety-five one-hundredths ($5,227.95) dollars, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the following named persons:

1st. For John Clifford, Assessor of Park County, for statistics furnished the State under provisions of section 1974, Fifth Division, General Laws, for the years 1890 and 1891, $256.15.

2nd. For George Walker, Assessor of Lewis and Clarke County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, $390.60.

3rd. For J. J. Reeves, Assessor of Gallatin County for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws for the years 1890, 1891 and 1892, $210.40.

4th. For Benj. D. Gardner, Assessor of Meagher County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1891 and 1892, $229.40.

5th. For A. J. Staton, Assessor of Deer Lodge County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the year 1891, $141.00.

6th. For C. W. Berry, Assessor of Missoula County for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws for the years 1890, 1891 and 1892, $897.80.

7th. For A. B. Hamilton, Assessor of Choteau County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890 and 1891, $365.40.

8th. For W. J. Foreman, Assessor of Madison County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890 and 1891, $228.60.

9th. For A. P. Gillian, Assessor of Jefferson County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890, 1891 and 1892, $167.20.

10th. For T. J. Thompson, Assessor of Custer County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890, 1891 and 1892, $500.80.

11th. For M. L. Holland, Assessor of Silver Bow County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890 and 1891, $632.00.

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12th. For David Rice, Assessor of Cascade County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890, 1891 and 1892, $375.40.

13th. For S. K. Deverill, Assessor of Yellowstone County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890, 1891 and 1892, $160.00.

14th. For L. W. Eldridge, Assessor for Fergus County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890, 1891 and 1892, $65.60.

15th. For David R. Reinhardt, Assessor of Beaverhead County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the years 1890 and 1891, $276.60.

16th. For J. G. Morony, Assessor of Deer Lodge County, for statistics furnished the State under the provisions of section 1974, Fifth Division, General Laws, for the (years?) 1891 and 1892, $131.00.

And the State Auditor is hereby authorized and directed to draw his warrants on the State Treasurer for the persons herein named and the sums hereby appropriated for said persons.

APPROVED Mch. 1, 1893.

An Act to Provide for the Payment of J. D. Taylor, for Supplies Furnished to the House of Representatives of the First Session of the Legislature.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of two hundred and sixty and fifty one-hundredths ($260.50) dollars, or so much thereof, as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay J. D. Taylor for supplies furnished to the House of Representatives of the First Legislative Assembly.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of J. D. Taylor for the amount named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

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An Act to Appropriate Money for the Executive, Legislative and Judicial Departments for the Fiscal Years Ending December 1, A. D. 1893, and December 1, A. D. 1894.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated for the objects hereinafter expressed, for the fiscal year ending December 1st, A. D. 1893, and for the fiscal year ending December 1st, A. D. 1894, respectively.

For the fiscal year ending December 1st, 1893:

EXECUTIVE DEPARTMENT.

For salary of Governor, five thousand dollars.

For salary of Governor's Private Secretary, two thousand four hundred dollars.

Office expense (Governor's office), six hundred dollars.

Salary of Secretary of State, three thousand dollars.

Salary of Clerk for Secretary of State, one thousand five hundred dollars.

Extra clerical hire, (Secretary of State's office) six hundred dollars.

For indexing laws of 1893, one hundred and fifty dollars.

For office expenses (Secretary of State) six hundred dollars.

For office supplies (Secretary of State) three hundred dollars.

For salary of Attorney General, three thousand dollars.

For salary of Clerk for Attorney General, one thousand five hundred dollars.

Office and traveling expense account, two hundred and fifty dollars.

Office supplies, two hundred dollars.

For salary of State Treasurer, three thousand dollars.

Office and traveling expense account and furniture, two hundred and fifty dollars.

For clerical hire, fifteen hundred dollars.

For State Auditor's salary, three thousand dollars.

For salary of Clerk (State Auditor), eighteen hundred dollars.

Office and traveling expense account and furniture, two hundred and fifty dollars.

For salary of Superintendent of Public Instruction, two thousand five hundred dollars.

For office expense, traveling expenses and furniture, five hundred dollars.

For office expenses of the State Board of Education, three hundred dollars.

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For salary of Clerk for State Board of Education, twelve hundred dollars.

For salary of Veterinary Surgeon, three thousand dollars.

Office and traveling expense account, one thousand dollars.

Salary of Boiler Inspector, two thousand four hundred dollars.

Salary of Assistant Boiler Inspector, one thousand eight hundred dollars.

For office rent and office expense of the Boiler Inspector, five hundred dollars.

For traveling expense of Inspector and Assistant, two thousand dollars.

For salary of Inspector of Mines, two thousand five hundred dollars.

Salary of Deputy Inspector of Mines, six hundred dollars.

For traveling and office expense, two thousand dollars.

For salary of Mineral Land Commissioner, three thousand dollars.

For expense account of Mineral Land Commissioner, three thousand dollars.

For salary of Commissioner of Agriculture, Labor and Industry, three thousand dollars.

For salary of Chief Clerk of Commissioner of Agriculture, Labor and Industry, fifteen hundred dollars.

For office and traveling expenses of Commissioner of Agriculture, Labor and Industry, fifteen hundred dollars.

For Custodian of State Arsenal, and other State property, six hundred dollars.

For salary of Custodian of the Fort Ellis Reservation, six hundred dollars.

For salary of Adjutant General, National Guard of Montana, five hundred dollars.

For salary of Ordnance Officer, three hundred dollars.

For office expenses of Regimental Headquarters, two hundred and fifty dollars.

Expense of Regimental Band, two hundred and fifty dollars.

For annual appropriation of eleven companies, at five hundred dollars each, five thousand five hundred dollars.

Contingent expenses of National Guard, three thousand two hundred dollars.

For encampment of National Guard, twelve thousand five hundred dollars.

For insurance purposes (State Law Library) three hundred and sixty dollars.

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For the purchase of books, one thousand dollars.

For salary of Librarian, one thousand and eighty dollars.

For office expense account, three hundred and twenty dollars.

For salary of State Land Agent, three thousand dollars.

For salary of Clerk of Board of State Land Commissioners, one thousand five hundred dollars.

For traveling and office expenses (members of State Board of Land Commissioners), fifteen hundred dollars.

Selecting, platting, leasing, conveying and procuring patent to lands granted to the State by Congress for educational purposes, ten thousand dollars.

For salary of Clerk of Board of Equalization, fifteen hundred dollars.

Office expense account, two hundred and fifty dollars.

Traveling expense of members of State Board of Equalization, two hundred dollars.

Salary of Clerk of the State Board of Pardons, twelve hundred dollars.

For publishing notices of application for pardon and restoration to citizenship, four hundred dollars.

Office and traveling expense account, (State Board of Commissioners for the Insane) one hundred dollars.

For salary of Clerk for State Board of Commissioners of the Insane, twelve hundred dollars.

For care and keeping of patients in the Insane Asylum, ninety thousand dollars.

Office and traveling expense account, (Board of State Prison Commissioners) one hundred and fifty dollars.

Salary of Clerk of Board of State Prison Commissioners, twelve hundred dollars.

Office supply account, one hundred dollars.

Care and keeping of convicts in the State Prison, one hundred thousand dollars.

Newspapers for convicts, one hundred and fifty dollars.

One typewriter and two telegraph instruments, one hundred and twenty-five dollars.

For cash and clothing for discharged convicts, two thousand five hundred dollars.

For salary of Librarian of the Historical Society, twelve hundred dollars.

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For printing and binding books and pamphlets and other necessary expenses, seven hundred and fifty dollars.

For expense in transporting convicts from County Jails to Penitentiary, ten thousand dollars.

For expense of stationery and office supplies, for State officers, one thousand dollars.

For rent of State offices, three thousand dollars.

For salary of Janitor for State offices, one thousand dollars.

For rewards offered by Governor, one thousand dollars.

For requisitions, one thousand dollars.

For salary of the Board of Examiners, twelve hundred dollars.

Stationery and office supplies of the Board of Examiners, one hundred and fifty dollars.

For insurance on State property, four hundred dollars.

For care, keeping, transportation and education of the deaf, dumb and feeble minded, seven thousand dollars.

For public printing of all kinds, including printing for both houses of the Legislative Assembly, for 1893, fifteen thousand dollars.

Total amount appropriated for the Executive Department, three hundred and sixty-one thousand five hundred and thirty-five dollars.

JUDICIARY DEPARTMENT.

For salary of three Justices of the Supreme Court, twelve thousand dollars.

For salary of stenographer for Justices of the Supreme Court, one thousand five hundred dollars.

For office supplies, six hundred dollars.

For salary of twelve District Judges, at three thousand five hundred each, forty-two thousand dollars.

For one-half of salary for twenty County Attorneys, sixteen thousand four hundred dollars.

For salary of Clerk of the Supreme Court, two thousand five hundred dollars.

For office supplies and furniture, two hundred dollars.

For salary of Marshal of Supreme Court, one thousand dollars.

Total amount appropriated for the Judiciary Department, seventy-six thousand, two hundred dollars.

LEGISLATIVE DEPARTMENT.

Per diem of sixteen Senators at six dollars per day, five thousand seven hundred and sixty dollars.

For mileage of sixteen Senators at 20c per mile, twelve hundred dollars.

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For per diem of Lieutenant Governor while President of the Senate (sixty days at ten dollars per day) six hundred dollars.

Per diem of fifty-five members of the House of Representatives, at six dollars per day, nineteen thousand eight hundred dollars.

For mileage of fifty-five members at 20c a mile, three thousand and fifty dollars.

For extra per diem for Speaker of House of Representatives (sixty days at four dollars per day) two hundred and forty dollars.

For incidental expense fund of the State Senate, two hundred dollars.

For incidental expense fund of the House of Representatives, five hundred dollars.

Total amount appropriated for the Legislative Department, thirty-one thousand three hundred and fifty dollars.

Total amount appropriated for all of the above named Departments for the fiscal year ending December 1st, 1893, four hundred and sixty-nine thousand and eighty-five dollars.

For the fiscal year ending December 1st, A. D. 1894:

EXECUTIVE DEPARTMENT.

For salary of Governor, five thousand dollars.

For salary of Governor's Private Secretary, two thousand four hundred dollars.

Office expense (Governor's office) six hundred dollars.

Salary of Secretary of State, three thousand dollars.

Salary of Clerk of Secretary of State, one thousand five hundred dollars.

Extra clerical hire (Secretary of State's office) six hundred dollars.

For office expenses (Secretary of State) three hundred dollars.

For office supplies (Secretary of State) six hundred dollars.

For salary of Attorney General, three thousand dollars.

For salary of Clerk for Attorney General, one thousand five hundred dollars.

Office and traveling expense account, two hundred and fifty dollars.

Office supplies, two hundred dollars.

For salary of State Treasurer, three thousand dollars.

Office and traveling expense account and furniture, two hundred and fifty dollars.

For clerical hire, fifteen hundred dollars.

For State Auditor's salary, three thousand dollars.

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For salary of Clerk (State Auditor) eighteen hundred dollars.

Office and traveling expense account and furniture, two hundred and fifty dollars.

For salary of Superintendent of Public Instruction, two thousand five hundred dollars.

For office expense, traveling expenses and furniture, five hundred dollars.

For office expenses of State Board of Education, three hundred dollars.

For salary of Chief Clerk of State Board of Education, twelve hundred dollars.

For salary of Veterinary Surgeon, three thousand dollars.

Office and traveling expense account, one thousand dollars.

Salary of Boiler Inspector, two thousand four hundred dollars.

Salary of Assistant Boiler Inspector, one thousand eight hundred dollars.

For office rent, and office expense of the Boiler Inspector, five hundred dollars.

For traveling expense of Inspector and Assistant, two thousand dollars.

For printing report, one hundred and twenty-five dollars.

For salary of Inspector of Mines, two thousand five hundred dollars.

Salary of Deputy Inspector of Mines, six hundred dollars.

For traveling and office expense, two thousand dollars.

For salary of Mineral Land Commissioner, three thousand dollars.

For expense account of Mineral Land Commissioner, three thousand dollars.

For salary of Commissioner of Agriculture, Labor and Industry, three thousand dollars.

For salary of Chief Clerk of Commissioner of Agriculture, Labor and Industry, fifteen hundred dollars.

For office and traveling expenses of Commissioner of Agriculture, Labor and Industry, fifteen hundred dollars.

For Custodian of State Arsenal and other State property, six hundred dollars.

For salary of Custodian of the Fort Ellis Reservation, six hundred dollars.

For salary of Adjutant General, National Guard of Montana, five hundred dollars.

For salary of Ordnance Officer, three hundred dollars.

For office expenses of Regimental Headquarters, two hundred and fifty dollars.

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Expense of Regimental Band, two hundred and fifty dollars.

For annual appropriation of eleven companies at five hundred dollars each, five thousand five hundred dollars.

Contingent expenses of the National Guard, three thousand two hundred dollars.

For encampment of National Guard, twelve thousand five hundred dollars.

For insurance purposes (State Law Library) three hundred and sixty dollars.

For the purchase of books, one thousand dollars.

For salary of Librarian, one thousand and eighty dollars.

For office expense account, three hundred and twenty dollars.

For salary of State Land Agent, three thousand dollars.

For salary of Clerk of Board of State Land Commissioners, one thousand five hundred dollars.

For traveling and office expenses (members of State Board of Land Commissioners) fifteen hundred dollars.

Selecting, platting, leasing, conveying and procuring the patent to lands granted to the State by Congress for educational purposes, ten thousand dollars.

For salary of Clerk of Board of Equalization, fifteen hundred dollars.

Office expense account, two hundred and fifty dollars.

Traveling expense of members of State Board of Equalization, two hundred dollars.

For salary of Clerk of the State Board of Pardons, twelve hundred dollars.

For publishing notices of application for pardon and restoration to citizenship, four hundred dollars.

Office and traveling expense account (State Board of Commissioners for the Insane) one hundred dollars.

For salary of Clerk of State Board of Commissioners for the Insane, twelve hundred dollars.

For care and keeping of patients in the Insane Asylum, one hundred thousand dollars.

Office and traveling expense account (Board of State Prison Commissioners), one hundred and fifty dollars.

Salary of Clerk of Board of State Prison Commissioners, twelve hundred dollars.

Office supply account, one hundred dollars.

Care and keeping of convicts in the State Prison, one hundred and ten thousand dollars.

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Newspapers for convicts, one hundred and fifty dollars.

For cash and clothing for discharged convicts, two thousand five hundred dollars.

For salary of Librarian of the Historical Society, twelve hundred dollars.

For printing and binding books and pamphlets and other necessary expenses, seven hundred and fifty dollars.

For expense in transporting convicts from County Jails to Penitentiary, ten thousand dollars.

For expense of stationery and office supplies for State officers, one thousand dollars.

For rent of State offices, three thousand dollars.

For salary of Janitor for State offices, one thousand dollars.

For rewards offered by Governor, one thousand dollars.

For requisitions, one thousand dollars.

For care, keeping, transportation and education of the deaf and dumb and feeble minded, seven thousand dollars.

For bounty on stock destroying animals, twenty thousand dollars.

For public printing of all kinds, fifteen thousand dollars.

For salary of Clerk of the Board of Examiners, twelve hundred dollars.

Stationery and office supplies of the Board of Examiners, one hundred and fifty dollars.

Total amount appropriated for the Executive Department, three hundred and eighty-three thousand eight hundred and eighty-five dollars.

JUDICIARY DEPARTMENT.

For salary of three Justices of the Supreme Court, twelve thousand dollars.

For salary of Stenographer for Justices of the Supreme Court, one thousand five hundred dollars.

For office supplies, six hundred dollars.

For salary of twelve District Judges, at three thousand five hun(dred?) dollars each, forty-two thousand dollars.

For one-half of salary of twenty County Attorneys, sixteen thousand four hundred dollars.

For salary of Clerk of the Supreme Court, two thousand five hundred dollars.

For office supplies and furniture, two hundred dollars.

For salary of Marshal of the Supreme Court, one thousand dollars.

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Total amount appropriated for the Judiciary Department, seventy-six thousand two hundred dollars.

Total amount appropriated for the several departments, for the fiscal year ending December 1st, 1894, four hundred and sixty thousand and eighty-five dollars.

SECTION 2. This act shall take effect and be in force from and after its passage.

APPROVED Mch. 2, 1893.

Except the clause reading as follows:—"For bounty on stock destroying animals, twenty thousand dollars," which is hereby disapproved.

(Signed) J. E. RICKARDS,
Governor.

An Act Appropriating Money for the Relief of Mary McEvily, Otto Zoeckler, J. F. Mercer, Clara Bullard, A. W. Botkin, C. F. Reardon, J. G. Simpson, Lelah Bullard, Frank Garrett, David Marks and P. J. Gilligan for Services Rendered the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of five hundred and twenty-five dollars ($525) for the payment of Mary McEvily, Otto Zoeckler, J. F. Mercer, Clara Bullard, A. W. Botkin, C. F. Reardon, J. G. Simpson, Lelah Bullard, Frank Garrett, David Marks, and P. J. Gilligan, for services rendered the State of Montana, as follows:

Mary McEvily, sixty dollars.

Otto Zoeckler, sixty dollars.

J. F. Mercer, twenty dollars.

Clara Bullard, fifteen dollars.

A. W. Botkin, ten dollars.

C. F. Reardon, (clerk hire) one hundred and twenty dollars.

J. G. Simpson, (clerk hire) one hundred and twenty dollars.

Lelah Bullard (use of typewriter), ten dollars.

Frank Garrett, ten dollars.

David Marks (for filing papers, et cetera, with Secretary of State), fifty dollars.

P. J. Gilligan, (for filing papers, et cetera, with Secretary of State) fifty dollars.

APPROVED Mch. 2, 1893.

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An Act to Provide for the Payment of Joseph Hogan for Office and Traveling Expenses as Mine Inspector.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of sixty-seven ($67.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay Joseph Hogan, for office and traveling expenses as Mine Inspector.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of Joseph Hogan for the sum named in section 1 of this Act, and the Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of Barnard Brown for Services Rendered the State as an Expert in Examining the Books of the State Treasurer and State Auditor.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of six hundred ($600.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay Barnard Brown for services rendered the State as an expert in examining the books of the State Treasurer and State Auditor.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of Barnard Brown for the sum named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of G. C. Swallow for Office and Traveling Expenses as Mine Inspector.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of forty-three and seventy-five one-hundredths ($43.75) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay G. C. Swallow for office and traveling expenses as Mine Inspector.

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SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of G. C. Swallow, for the amount named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of Barnard Brown for Services Rendered the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of four hundred and fifty ($450.00) dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated for the payment of Barnard Brown for services rendered the State in examining the books of the State Treasurer and State Auditor.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of Barnard Brown for the amount named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of H. S. Howell for Services Rendered the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of two hundred and fifty ($250.00) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay H. S. Howell, for services rendered the State, as Clerk of the State Board of Land Commissioners, for the months of December, 1892, and January, 1893.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of H. S. Howell for the amount named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

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An Act Appropriating Money for Payment for Rent of Legislative Halls, Supplies Furnished and Labor Performed for the Legislative Assembly of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of three thousand one hundred and seventy and sixty-eight one-hundredths ($3,170.68) dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following named persons the amounts placed opposite their respective names for rent of Legislative Halls, labor performed and supplies furnished for same:

Independent Publishing Company	$ 160 00
A. J. Fisk	136 00
Barnard Brown	1,000 00
C. K. Wells	1,187 18
D. E. White	6 00
Dave Ruth	18 00
B. F. Hooper	31 00
Alonzo Grant	18 00
Henry Warfield	19 50
J. J. Scott	19 50
F. H. Winter	191 00
Getchell Manufacturing Company	287 00
T. H. Clewell	97 00

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the persons named in section 1 of this Act and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of C. J. McSherry (as Administrator of the Estate of D. T. McDevitt) for Services Rendered the State by D. T. McDevitt, (Deceased).

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one hundred and fifty ($150.00) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay C. J. McSherry, (Administrator of the

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estate of D. T. McDevitt), for services rendered the State by D. T. McDevitt (deceased) in drawing plans of the proposed changes in the Penitentiary at Deer Lodge.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant for the amount named in section 1, of this Act, in favor of C. J. McSherry, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of R. P. Stout for Services Rendered the State as Private Secretary to the Governor, and as Custodian of State Armory.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of two hundred and fifty ($250.00) dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to provide for the payment of R. P. Stout for services rendered the State as Private Secretary to Governor Toole, for the month of December, 1892 and as custodian of the State Armory, for the same month, and fifteen days in January, 1893.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of R. P. Stout for the amount named in section 1, of this Act, and the State Treasurer is hereby directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Appropriate Money for Payment of Officers and Expenses of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one hundred and two ($102.00) dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay the following named persons for the purposes herein specified:

W. J. Kennedy, office expense of the Supreme Court, ten ($10.00) dollars.

W. A. Rumsey, Bailiff, Supreme Court, fifty-six ($56.00) dollars.

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James McDonald, Janitor of the Supreme Court, thirty-six ($36.00) dollars.

SECTION 2. The State Auditor is hereby authorized and instructed to draw his warrant in favor of the persons and for the amounts named in section 1, of this Act, and the Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Appropriate Money for the Payment of Certain Persons for Supplies Furnished in Fitting Up Rooms for Meeting of Legislature.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one hundred and seventy-two and eighty-one one-hundredths ($172.81) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the following named persons:

Bach, Cory & Co., six and fifty one-hundredths dollars.

O. J. Holmes, eighty dollars.

F. H. Winters, twenty-four and thirty-six one-hundredths dollars.

Clarke, Conrad & Curtain, seven and fifteen one-hundredths dollars.

Helena Steam Carpet Cleaning Company, fifty-four and eighty one-hundredths dollars.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the persons named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Appropriate Money for the Payment of the Western Union Telegraph Company.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of three and thirty-three one-hundredths ($3.33) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the Western Union Telegraph Company, for services rendered the State.

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SECTION 2. The State Auditor is hereby directed to draw his warrant in favor of the Western Union Telegraph Company, for the amount named in section 1 of this Act, and the Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Appropriate Money for the Payment of Certain Persons for Publishing Notices of Pardon by Direction of "State Board of Pardons."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of fifty-two and fifty one-hundredths ($52.50) dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following named persons:

F. E. Foote, fifteen dollars.

E. H. Becker, seven and fifty one-hundredths dollars.

Leader Publishing Company, seven and fifty one-hundredths dollars.

Inter Mountain Pub. Co., seven and fifty one-hundredths dollars.

Geo. H. Wright, seven and fifty one-hundredths dollars.

River Press Pub. Co., seven and fifty one-hundredths dollars.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the persons named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act Appropriating Money for the Relief of Chas. Z. Pond for Services Rendered the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby appropriated out of any moneys now in the State Treasury not otherwise appropriated the sum of one hundred dollars, for the relief of Chas. Z. Pond, for services rendered the State of Montana in arranging and filing with the Secretary of State the records of the First and Second Legislative Assemblies of the State of Montana.

SECTION 2. And the State Auditor is hereby authorized and directed to draw his warrant on the State Treasurer for the said Chas. Z. Pond for the sum hereby appropriated and the State Treasurer is hereby directed to pay the same.

SECTION 3. This Act shall take effect from and after its passage.

APPROVED Mch. 2, 1893.

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An Act to Provide for the Payment of Horace R. Buck for Preparing an Index to the Acts of the Second Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of three hundred and thirty-two and fifty one-hundredths ($332.50) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay Horace R. Buck for services rendered the State in preparing an index for the laws of the Second Legislative Assembly of the State of Montana.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of Horace R. Buck, for the sum named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of Martin Maginnis, Mineral Land Commissioner, for Salary and Contingent Expenses, for the Fiscal Year of 1892.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of six thousand ($6,000.00) dollars, or so much thereof as may be necessary, be, and is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay Martin Maginnis, for salary and contingent expenses as Mineral Land Commissioner, for the fiscal year of 1892.

SECTION II. The State Auditor is hereby authorized and directed to draw his warrant in favor of Martin Maginnis, for the amount named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of the Helena Power and Light Company for Electric Light Furnished to the First Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of eighty-two and eighty one-hundredths ($82.80) dollars, or so much thereof as may be necessary, is

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hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the Helena Power and Light Company, for electric lights furnished to the First Legislative Assembly of the State of Montana.

SECTION II. The State Auditor is hereby authorized and directed to draw his warrant in favor of the Helena Power and Light Company for the amount named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of Mrs. Janet C. Kinna, for Supplies Furnished to the State Senate of the First Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of thirteen and twenty-five one-hundredths ($13.25) dollars, or so much thereof as may be necessary is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay Mrs. Janet C. Kinna, for supplies furnished to the State Senate of the First Legislative Assembly of the State of Montana.

SECTION II. The State Auditor is hereby authorized and directed to draw his warrant in favor of Mrs. Janet C. Kinna for the sum named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of George W. Sproule, for Services Rendered the State as Deputy Clerk of the Supreme Court.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of two hundred ($200.00) dollars or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay George W. Sproule, for services rendered the State as Deputy Clerk of the Supreme Court, from September 19th to November 19th, 1892, inclusive.

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SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of George W. Sproule, for the amount named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide Money for Services Rendered the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of two hundred and three and ten one-hundredths ($203.10) dollars or so much thereof as may be necessary, be, and is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the persons named herein the amounts set opposite their respective names, as hereinafter stated:

John P. Blakely	$ 93 35
B. F. Hooper	$ 9 75
Ella McHale	$ 100 00

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the persons and for the amounts named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of the Publication of Notices of Pardon.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of twenty-two and fifty one-hundredths ($22.50) dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to pay Fisk Brothers for the publication of notices of pardon, as directed by the State Board of Pardons.

SECTION 2. That the State Auditor is hereby directed to draw his warrant for the amount, and in favor of the persons named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED March 2, 1893.

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An Act to Provide for the Payment of Douglas Sampson for Services Rendered the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of eight ($8.00) dollars, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay Douglas Sampson, for labor done and performed for the State Senate of the Second Legislative Assembly of the State of Montana.

SECTION 11. The State Auditor is hereby authorized and directed to draw his warrant in favor of Douglas Sampson, for the amount named in section 1, and the State Treasurer is directed to pay the same.

APPROVED Mch. 2, 1893.

An Act to Provide for the Payment of the Independent Publishing Company for Services Rendered the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of four thousand ($4,000.00) dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated to provide for the payment of the Independent Publishing Company for printing, binding and delivering the several official reports of the State officers for the year 1892.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the Independent Publishing Company for the amount named in section 1 of this Act and the State Treasurer is directed to pay the same.

APPROVED Mch. 7, 1893.

An Act to Provide for Labor Done and Supplies Furnished to the Legislative Hall of the Third Session of the Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of nine hundred and forty-one and fifteen one-hundredths dollars ($941.15) or so much thereof as may be necessary, be, and is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the following named persons, the amounts set opposite their respective names:

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Bach, Cory & Co	$ 19 50
J. R. Sanford	$ 802 55
Helena Lumber Co	$ 75 00
J. F. Gibson	$ 44 10

SECTION II. The State Auditor is hereby authorized and directed to draw his warrant for the amount and in favor of the persons named in section 1, of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 7, 1893.

An Act to Provide Money for the Payment of T. H. Kleinschmidt for Moneys Advanced in the Payment of Per Diem of Members of the First Legislative Assembly.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of six hundred and seventy-two dollars ($672.00), or so much thereof as may be necessary, be, and is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay T. H. Kleinschmidt for money advanced to the members of the First Legislative Assembly of the State of Montana, as follows, to wit:

H. R. Comly	$ 252 00
A. M. Day	$ 84 00
W. J. Penrose	$ 84 00
Frank Hollywood	$ 84 00
C. M. Crutchfield	$ 84 00
A. Burnes (Burns?)	$ 84 00

SECTION 2. That the State Auditor is hereby authorized and directed to draw his warrant for the amount and in favor of the persons named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 7, 1893.

An Act Entitled an Act to Provide for the Payment of Interest on the Claims of Certain Members of the Legislature of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of two thousand five hundred and fifty and thirty-five one-hundredths ($2,550.35) dollars, or so much thereof

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as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay to the Montana National Bank accrued interest on the claims of certain members of the First Legislative Assembly of the State of Montana, as follows, to wit:

A. M. Dessault	$ 97 20
F. Hollywood	$ 90 00
W. J. Penrose	$ 88 56
Peter Breen	$ 99 14
C. K. Hardenbrook	$ 103 03
C. M. Crutchfield	$ 89 78
W. C. Whaley	$ 99 50
John R. Burrows	$ 111 60
E. Beach	$ 103 32
A. F. Burns	$ 82 58
C. P. Blakeley	$ 104 40
H. R. Comly	$ 51 84
J. K. Clark	$ 103 68
Patrick Carney	$ 106 20
A. M. Day	$ 88 56
H. L. Frank	$ 103 68
Sylvan Hughes	$ 105 26
R. G. Humber	$ 102 24
Frank G. Higgins	$ 106 92
D. P. McElwee	$ 102 52
G. E. Pool	$ 101 52
L. F. Schmidt	$ 103 68
J. C. Twohy	$ 100 08
J. R. Toole	$ 105 26
J. A. Woodson	$ 102 60
William Wallace, Jr	$ 97 20

SECTION 2. The State Auditor is hereby authorized and instructed to draw his warrant in favor of the Montana National Bank for the amount named in section 1 of this Act, and the State Treasurer shall thereupon pay the same.

SECTION 3. This Act shall take effect and be in force immediately.

APPROVED Mch. 7, 1893.

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An Act Appropriating Money for the Relief of the Montana National Bank, for Money Advanced in Payment of Salaries and Mileage to the Members of the First Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of fourteen thousand one hundred and sixty-nine and twenty one-hundredths ($14,169.20) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to pay the salaries and mileage of the members of the House of Representatives of the First Legislative Assembly of the State of Montana.

SECTION 2. That the sums placed opposite the names of the members, show in the aggregate the amount named in section 1, of this act.

A. M. Dessault	$ 540 00
F. Hollywood	$ 500 40
W. J. Penrose	$ 492 00
Peter Breen	$ 550 80
C. K. Hardenbrook	$ 572 40
C. M. Crutchfield	$ 498 80
W. C. Whaley	$ 552 80
John R. Burrows (Barrows?)	$ 620 00
E. Beach	$ 574 00
A. F. Burns	$ 458 80
C. P. Blakely	$ 580 00
H. R. Comly	$ 288 00
J. K. Clark	$ 576 00
Patrick Carney	$ 590 00
A. M. Day	$ 492 00
H. L. Frank	$ 576 00
Sylvan Hughes	$ 584 80
R. G. Humber	$ 568 00
Frank G. Higgins	$ 594 00
D. P. McElwee	$ 569 60
D. E. Pool	$ 564 00
L. F. Smith	$ 576 00
J. C. Twohy	$ 556 00
J. R. Toole	$ 584 80
J. A. Woodston (Woodson?)	$ 570 00
William Wallace, Jr	$ 540 00

APPROVED Mch. 7, 1893.

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An Act to Provide for the Payment of T. H. Kleinschmidt, for Interest on Moneys Advanced for the Payment of Per Diem of Members of the First Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one hundred and twenty-six and sixty-four one-hundredths dollars ($126.64) or so much thereof, as may be necessary, be and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay T. H. Kleinschmidt, for interest on moneys advanced to the members of the First Legislative Assembly of the State of Montana in payment of per diem of said members.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant for the amount named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 7, 1893.

An Act to Provide for the Payment of J. P. Blakely for Services Rendered the State as Custodian in Charge of the Buildings and Lands at Fort Ellis.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of one thousand and twenty-one and seventy-five one-hundredths ($1,021.75) dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay J. P. Blakeley, for services rendered the State as custodian of the buildings and grounds at Fort Ellis.

SECTION 2. The State Auditor is herebyauthorized and directed to draw his warrant for the sum named in section 1 of this Act, and the State Treasurer is directed to pay the same.

SECTION 3. This Act shall take effect on and after its passage.

APPROVED Mch. 10, 1893.

An Act to Provide for the Payment of John E. Lloyd and John M. Ramsey for Transportation and Board of Convicts.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of six hundred and sixty-one and fifty one-hundredths ($661.50) dollars, or so much thereof as may be

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necessary, be and is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the persons named herein, the amounts placed opposite their respective names for board and transportation of State convicts:

John E. Lloyd, two hundred and thirty-one dollars.

John M. Ramsey, four hundred and thirty and fifty one-hundredths dollars.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of the persons and for the amounts named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 10, 1893.

An Act to Provide for the Payment of E. W. Knight, for Money Advanced to the Independent Publishing Company, for Printing and Binding the Codes of the State of Montana, in Accordance With Contract Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of three thousand nine hundred and ninety ($3,990.00) dollars, or so much thereof, as may be necessary is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated to pay E. W. Knight, for moneys advanced to the Independent Publishing Company for printing, binding and delivering in accordance with contract, the codes of the State of Montana.

SECTION 2. The State Auditor is hereby authorized and directed to draw his warrant in favor of E. W. Knight for the sum named in section 1 of this Act, and the State Treasurer is directed to pay the same.

APPROVED Mch. 10, 1893.

An Act Appropriating Moneys for the Payment of Bounties on Certain Stock-destroying Animals.

Be it enacted by the Legislative Assembly of State of Montana:

SEC. 1. The following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury not otherwise appropriated to pay the bounties for the killing of certain stock-destroying animals, "To-wit":

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The sum of twenty-thousand dollars for the fiscal year ending, Dec. 1st, A. D. 1893, and for the fiscal year ending December 1st, A. D. 1894, respectively.

APPROVED Mch. 8, 1893.

An Act to Provide for the Payment of Bounties on Stock-destroying Animals.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of two thousand and seventy-nine dollars ($2,079.00), or so much thereof as may be necessary, be and is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to pay the bounty provided by law, on stock-destroying animals, due and owing for the fiscal year ending December first, 1892.

SECTION 2. That the State Auditor is hereby directed to draw his warrant in favor of the persons to whom the amount is due, as shown by vouchers in the hands of the State Board of Examiners, and the State Treasurer is directed to pay the same.

APPROVED Mch. 10, 1893.

An Act Appropriating Money to Defray Expenses of Montana State Fireman's Association.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there is hereby appropriated out of any moneys now in the hands of the State Treasurer, not otherwise appropriated, the sum of three thousand dollars to defray expenses of the State tournament of the Montana State Fireman's Association for the year 1893, and the same sum is hereby appropriated for similar purposes for the year 1894.

SECTION 2. That the sum hereby appropriated shall only be used for the purpose of necessary expenses of the various fire departments attending the State tournaments and the accounts for same to be audited by the State Board of Examiners, and when so allowed the State Auditor is hereby authorized and directed to draw his warrants for such sums so allowed.

SECTION 3. This Act shall take effect from and after its passage.

APPROVED Mch. 10, 1893.

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An Act Appropriating Money to Pay for Selecting and Locating, and the Purchase of a Site for the State Deaf and Dumb School, and for Creating and Making Proper Buildings and Improvements Thereon.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there be and is appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sums and for the purposes following, to-wit: For the proper expense of selecting and locating a site for the said Deaf and Dumb School, the sum of two hundred dollars, or so much thereof as may be necessary; for the purchase price of such site for said school, the sum of two thousand dollars, or so much thereof as may be necessary; for the proper costs of erecting and making the proper and necessary buildings and improvements on said site, and to defray the necessary incidental expenses, the sum of five thousand dollars, or so much thereof as may be necessary.

APPROVED Mch. 17, 1893.

An Act Appropriating Money for the Use and Benefit of the State Agricultural College.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of fifteen thousand dollars ($15,000.00) be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated for the purpose hereinafter mentioned, which said sum of money shall be made available on May first, 1893.

SECTION 2. The amount of money hereby appropriated, be set apart, assigned to, and made available for the use of the Agricultural College:

For the Agricultural College the sum of $15,000.

SECTION 3. The money hereby appropriated, shall be expended under the direction of the State Board of Education, in the manner and under such restrictions as may be provided by law, for the purpose of establishing said Agricultural College, by commencing the construction of suitable buildings for the maintenance of said Agricultural College.

SECTION 4. This Act shall be in full force and effect from and after its passage.

APPROVED Mch. 17, 1893.

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An Act Appropriating Money for the Use and Benefit of the State University.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of fifteen thousand ($15,000.00) dollars, be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose hereinafter mentioned, which said sum of money, shall be made available on May first, 1893.

SECTION 2. The amount of money hereby appropriated, be set apart, assigned to and made available for the use of the State University:

For the State University the sum of $15,000.

SECTION 3. The money hereby appropriated shall be expended under the direction of the State Board of Education, in the manner and under such restrictions as may be provided by law, and for the purpose of establishing said State University by commencing the construction of suitable buildings for the maintenance of said State University.

SECTION 4. This Act shall be in full force and effect from and after its passage.

APPROVED Mch. 17, 1893.

An Act Appropriating Money for the Use and Benefit of the State Normal School.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of fifteen thousand dollars ($15,000.00) be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purpose hereinafter mentioned, which said sum of money shall be made available on May first, 1893.

SECTION 2. The amount of money hereby appropriated, be set apart, assigned to, and made available for the use of the State Normal School.

For the State Normal School, the sum of $15,000.00.

SECTION 3. The money hereby appropriated, shall be expended under the direction of the State Board of Education, in the manner and under such restrictions as may be provided by law, and for the purpose of establishing said State Normal School, by commencing the construction of suitable buildings for maintenance of said State Normal School.

SECTION 4. This Act shall be in full force and effect from and after its passage.

APPROVED Mch. 17, 1893.

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An Act Appropriating Money for the Use and Benefit of the School of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the sum of fifteen thousand dollars ($15,000.00) be, and the same is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated for the purpose hereinafter mentioned, which said sum of money shall be made available on May first, 1893.

SECTION 2. The amount of money hereby appropriated, be set apart, assigned to, and made available for the use of the School of Mines:

For the School of Mines the sum of $15,000.00.

SECTION 3. The money hereby appropriated shall be expended under the direction of the State Board of Education, in the manner and under such restrictions as may be provided by law and for the purpose of establishing said School of Mines by commencing the construction of suitable buildings for the maintenance of said School of Mines.

SECTION 4. This Act shall be in full force and effect, from and after its passage.

APPROVED Mch. 17, 1893.

An Act to Provide Revenue for the Support of the Government of the State of Montana for the Fiscal Years of 1893 and 1894.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby levied, for State purposes, upon all the property of the State liable to taxation, for the fiscal year of 1893, an ad valorem tax of two and one-half mills on each dollar valuation of such property.

SECTION 2. There is hereby levied for State purposes, upon all the property of the State, liable to taxation, for the fiscal year of 1894, an ad valorem tax of two and one-half mills on each dollar of valuation of such property.

SECTION 3. This Act shall take effect from and after its passage.

APPROVED Feby. 27, 1893.

An Act Providing for the Great Seal of the State of Montana, and Describing the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There shall be a great Seal of the State of Montana, which shall be of the following design, namely:

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A central group representing a plow, a miner's pick and shovel; upon the right a representation of the great falls of the Missouri River; upon the left mountain scenery, and underneath, the words "Oro-Y-Plata." The Seal must be two and one-half inches in diameter, and surrounded by these words, "The Great Seal of the State of Montana."

SECTION 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage.

APPROVED Mch. 2, 1893.

An Act Apportioning the State of Montana Into Representative Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the House of Representatives of the State of Montana until otherwise provided by law shall consist of sixty-one members, and the State of Montana, be and the same is hereby apportioned as follows:

The County of Beaverhead shall have two (2) Representatives.

The County of Cascade shall have four (4) Representatives.

The County of Choteau shall have one (1) Representative.

The County of Custer shall have two (2) Representatives.

The County of Deer Lodge shall have five (5) Representatives.

The County of Fergus shall have one (1) Representative.

The County of Flathead shall have two (2) Representatives.

The County of Gallatin shall have three (3) Representatives.

The County of Granite shall have two (2) Representatives.

The County of Jefferson shall have three (3) Representatives.

The County of Lewis and Clarke shall have eight (8) Representatives.

The County of Madison shall have two (2) Representatives.

The County of Meagher shall have two (2) Representatives.

The County of Missoula shall have three (3) Representatives.

The Counties of Valley and Fergus shall have one (1) Representative, jointly.

The County of Park shall have three (3) Representatives.

The County of Ravalli shall have two (2) Representatives.

The County of Silver Bow shall have eleven (11) Representatives.

The County of Yellowstone shall have one (1) Representative.

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The Counties of Dawson and Custer shall have one (1) Representative, jointly.

The County of Teton shall have one (1) Representative.

The Counties of Deer Lodge and Missoula shall have one (1) Representative, jointly.

SECTION 2. This Act shall take effect and be in force from and after its passage and approval.

APPROVED Mch. 10, 1893.

An Act to Prevent the Corrupt Solicitation of Members of the Legislative Assembly, and Other Public Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Any person elected to either House of the Legislative Assembly, who shall offer or promise to give his vote or influence in favor of or against any measure or proposition, pending or proposed to be introduced into the Legislative Assembly, in consideration or upon condition that any other person elected to the same Legislative Assembly will give, or will promise or assent to give, his vote or influence, in favor of or against any other measure or proposition pending or proposed to be introduced into such Legislative Assembly, shall be deemed guilty of solicitation of bribery. Any member of the Legislative Assembly who shall give his vote or influence for or against any measure or proposition pending or proposed to be introduced in such Legislative Assembly, or offer, promise or assent so to, upon condition that any other member will give, or will promise or assent to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such Legislative Assembly, or in consideration that any other member hath given his vote or influence for or against any other measure or proposition in such Legislative Assembly, shall be deemed guilty of bribery.

SECTION 2. Any person who shall directly or indirectly offer, give or promise any money or thing of value, testimonial, privilege or personal advantage, to any executive or judicial officer or member of the Legislative Assembly to influence him in the performance of any of his official or public duties, shall be deemed guilty of bribery.

SECTION 3. Any person or persons who shall give, or promise, or offer to give or promise, any member of either House of the Legislative Assembly any money, office, paper or property or other valuable thing, or shall offer to do for such member or any member of his family, relative or other person, anything not common to the people

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of the State, county, township or community in which such person resides, in consideration that such member shall vote in either House of the Legislative Assembly in any given way or in consideration that such member shall do, or omit to do anything appertaining to his office, or duty as a member of such Legislative Assembly, shall be deemed guilty of bribery.

SECTION 4. Any person or persons who shall directly or indirectly give any money, property or other valuable thing, or make any promise of any kind whatever with the intent to have it proffered to such member of the Legislative Assembly to influence his vote or action in connection with his said office by any other person than himself, or shall aid or abet in the commission of the offense described in section 2 and 3 of this Act, shall be deemed guilty of bribery.

SECTION 5. Every person convicted of violating any of the provisions of this Act shall be punishable by imprisonment in the State Penitentiary for a term of not less than five (5) years, nor more than twenty (20) years, or by a fine not less than one hundred (100) dollars nor more than five thousand (5,000) dollars, or by both such fine and imprisonment, and shall be forever disqualified from voting or holding any office in this State; and any member of the Legislative Assembly or person elected thereto, who shall be convicted of violating any of the provisions of this Act shall in addition to the punishment above prescribed be expelled therefrom.

SECTION 6. This Act shall take effect immediately.

APPROVED Feby. 23, 1893.

An Act to Protect State Property.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. If any person shall wilfully injure or trespass or commit waste upon any premises, or shall damage, deface or destroy any house, improvement or other like property, such premises, house, improvement or property being then and there the property of this State, the person or persons so offending shall be deemed guilty of a misdemeanor if the damage does not exceed fifty dollars; and of a felony if such damage exceeds fifty dollars.

If convicted of a misdemeanor, in this section defined, the defendant shall be punished by a fine of not less than fifty dollars, or by imprisonment in the common (county?) jail not more than sixty days, or by both such fine and imprisonment. If convicted of the felony herein

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defined, the person so convicted shall be punished by imprisonment at hard labor in the Penitentiary not less than six months nor more than ten years, and in addition to penalties before mentioned the party convicted shall be liable to the State in the sum of three times the value of the property taken, the damage done or the property destroyed; to be recovered in a civil action.

SECTION 2. The foregoing section shall not apply to unenclosed granted lands to the State, which are not occupied and have no improvements or enclosures thereon so far as mere trespass not malicious is concerned, but shall apply to any waste or destruction thereon, or to the cutting or removing of timber therefrom, or the destruction of the same. All fines collected, and all moneys recovered by virtue of this section must be paid into the school fund of the State.

SECTION 3. This Act shall go into effect from and after its passage.

APPROVED Mch. 1, 1893.

An Act to Provide for the Sale of Timber Lands Belonging to the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Board of Land Commissioners may sell the timber on lands belonging to the State when the same is liable to waste, as provided in this section, and not otherwise.

No such timber shall be sold or disposed of unless the same is liable to waste; and when lands have been cut over according to regular permits, or the timber upon any land may be subject to waste, destruction or damage by windfall, fire or otherwise, the Board may grant permits to clear such lands, upon full payments of the amount for which the same may be sold; before any permit shall be granted, the timber shall be estimated and appraised by the State Land Agent upon the request and subject to the approval of the said Board of Land Commissioners, which estimate and appraisal shall show the amount and the value per thousand feet of all timber measuring not less than eight inches in diameter, twenty-four feet from the ground, and of other timber below this standard, on each tract or lot, with a statement of the situation of the timber relative to risk from fire or damage of any kind, and its distance from the nearest lake, stream or railroad.

SEC. 2. No permit for such cutting shall be granted to any person by the said Board of Land Commissioners, except upon sale of timber to the highest bidder, at public auction, held at its office at the

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State Capital, notice of which shall be published once each week for four successive weeks prior to the date of the same in two newspapers, one published in Helena, and the other in the county where the timber is situate; and the minimum price of all timber at such sale shall be the appraised value of the same as fixed by the State Land Agent, and approved by the State Board of Land Commissioners; provided, however, that the timber shall not be sold at a price less than ten ($10) dollars per acre. Every person purchasing timber at such sale, before the execution of a permit for the same, shall execute a bond to the State of Montana for the payment of double the amount of the estimated value of the timber included in the permit, with sufficient surety to be approved by the Board, conditioned upon the payment to the State Treasurer of the amount that may be found due, under the terms of such permit, and according to the provisions of law.

SEC. 3. All permits under the provisions of this Act shall be made according to prescribed form by the Attorney General, and shall be signed by the party applying for the same, and the said State Board of Land Commissioners. Said permits shall contain a description of the land to be cut upon, the estimated amount of timber upon the same, the price per thousand feet, or the entire value of the timber if the right to clear the land has been sold, for which the same was bid in, the stipulated log-mark, and such other points and agreements as may be necessary to make all logs cut under its provisions the absolute property of the State, until the same are paid for; and such permits, when properly executed, shall be recorded in the office of the State Board of Land Commissioners, and the log-mark described therein shall vest the ownership of all logs bearing the same in the State.

SEC. 4. The State Land Agent shall select and designate a log-mark for each person granted a permit to cut logs upon State lands, which log-mark, when so selected and designated, shall be filed in the office of the State Board of Land Commissioners, and shall be distinctly different from any other mark selected and designated by said State Land Agent. The State Land Agent shall scale all logs so cut, and make a detailed report of the same to the State Board of Land Commissioners on or before the first day of each year and every month, showing the name of the party cutting, the description of the land cut upon, the number of logs cut and the mark thereon, the total number of feet and the value thereof per thousand, as shown by the records of his office, stating whether such cutting has been according to

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the terms of the permit, and if not properly cut, the consequent damage to the State; and such timber or logs shall not be sold, transferred, or manufactured into lumber until the amount due the State, according to the report of said Land Agent, shall have been paid in full; and it shall be the duty of the State Land Agent to report to the State Board of Land Commissioners all trespass which has been, or which may hereafter be made upon the State timber lands, and all logs cut by such trespass shall be disposed of as hereinafter provided.

SEC. 5. Upon receipt of such report from the State Land Agent, the State Board of Land Commissioners shall draw duplicate drafts for the amount found due; one of which shall be placed in the hands of the State Treasurer, and the other forwarded to the party from which the stumpage is due, who shall immediately make payment of the required amount to the State Treasurer, take duplicate receipts therefor, one of which he shall return to the State Board of Land Commissioners, who shall thereupon execute a release of the logs, and a transfer of the mark thereon; but in no case shall such release or transfer be made until the lien of the State has been fully satisfied. If the party owning such stumpage shall not pay the amount of such draft within ten days after said draft has been placed in the hands of the State Treasurer, it shall be the duty of the State Board of Land Commissioners to take possession of the logs in question, and sell the same at public auction to satisfy the claim due the State, paying the overplus, if any, after defraying the costs and expenses of such sale, to the party entitled thereto, and to make return thereof to the State Treasurer; provided, that in lieu of taking possession of the logs upon which stumpage is due, the State Board of Land Commissioners may turn the account over to the Attorney General, who shall immediately proceed to collect the same upon the bond hereinbefore provided for; but in no case shall the logs be released until the account is paid; and proceedings upon the bond shall not prevent the State Board of Land Commissioners from seizing the logs at any time before the claim of the State is satisfied.

SEC. 6. If any person having a contract to cut timber under the provisions of this Act shall, with intent to defraud the State, place any other log-mark upon the logs cut by him under such contract than the one mentioned therein, he shall forfeit to the State the logs upon which any other mark than that agreed upon has been placed, and shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the State Prison of not less than one year, nor more than three years, or both.

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SECTION 7. That in addition to the penalties provided for in this title against those committing trespass upon any of the lands owned or held in trust or otherwise by this State, the State Board of Land Commissioners is hereby authorized and empowered without legal process to seize and take or cause to be seized and taken any and all lumber, wood, grass or other property unlawfully severed from the said lands whether the same has been removed from said lands or not, and may dispose of the property so seized and taken either at public or private sale, in such manner as will be most conducive to the interests of the State, and all moneys arising therefrom, after deducting the reasonable and necessary expenses of such seizure and sale, shall be a part of the permanent fund to which such lands may belong.

SEC. 8. That for the purpose of determining the title to any property seized and taken under the provisions of the preceding section, the State Board of Land Commissioners is hereby authorized and empowered to defend in the name of the State any and all actions that may be brought for that purpose, and to do and perform those things necessary to protect the interests of the State.

SEC. 9. The State Land Agent under the direction of the State Board of Land Commissioners shall select and designate a brand, which he shall place or cause to be placed upon all timber, lumber, logs, boards or planks, that may be seized by him or the State Board of Land Commissioners as provided for in section 7 of this Act. Any person, persons, company, association or corporation who shall remove, sell, or dispose of any such property as mentioned in section 7 of this Act, after the same has been seized or marked with a brand, or who shall, erase, deface, cut or destroy any mark upon any such property, such persons shall upon conviction be imprisoned in the State prison, for a term of not less than one, nor more than three years and be subject to a fine of not less than five hundred dollars, nor more than five thousand dollars.

SEC. 10. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SEC. 11. This Act shall take effect from and after its passage and approval.

APPROVED Mch. 7, 1893.

An Act to Amend Section 2 of an Act Entitled "An Act to Provide for the Selection, Location, Appraisal, Sale and Leasing of State Lands," Approved March 6th, 1891.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 2 of an Act entitled, "An Act to

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provide for the selection, location, appraisal, sale and leasing of State lands," approved March 6th, 1891, be amended so as to read as follows:

SEC. 2. The proceeds arising from the sale of lands granted to the State for educational purposes, shall be invested, first, in bonds of the State of Montana; second, in such bonds of the several counties of the State, as the Board of Land Commissioners shall deem most safe and secure; third, in bonds of school districts; fourth, in State warrants; fifth, in county warrants provided that before any of such proceeds shall be in the bonds of any school district within the State of Montana, the said Board of Land Commissioners shall be satisfied by statements of the Trustees of the school district proposing to negotiate the sale of its bonds, that the bonds to be negotiated are the only bonds issued by the said school district, and that the outstanding indebtedness of such school district does not exceed three per cent. upon the valuation of the property within said district. The interest on all moneys arising from the sale or leasing of school lands shall be used for the purposes for which the grant was made.

SECTION 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall take effect from and after its passage and approval.

APPROVED Mch. 9, 1893.

An Act to Amend Section 42, First Division, Code of Civil Procedure, Compiled Statutes of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 42, First Division, Code of Civil Procedure, Compiled Statutes of Montana, be amended so as to read as follows:

SECTION 42. An action for waste or trespass on real property; Provided that when the trespass is committed by reason of underground works upon any mining claim, the cause of action shall not be deemed to have accrued until the discovery by the aggrieved party of the facts constituting such waste or trespass.

2. An action upon a liability created by statute, other than a penalty of forfeiture. 3. An action for taking, detaining or injuring any goods or chattels including actions for the specific recovery of personal property. 4. An action for relief on the ground of fraud or mistake (the cause of action in such case not to be deemed to have accrued until the discovery by the aggrieved party of the facts constituting fraud or mistake) shall be commenced within two years.

APPROVED Mch. 9, 1893.

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An Act to Authorize the State Board of Education to Select Lands From the School Lands and Other Public Lands of the State for the Uses and Purposes of the Educational Institutions of the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The State Board of Education is authorized to select from the School Lands and other public lands of the State suitable sites for the location of the State University, the Agricultural College, and Experimental Station, the School of Mines, and the Normal School, within the limits prescribed in the Acts locating the said institutions respectively, which sites may include sufficient land for the proper use and maintenance of said institutions, and said lands when so selected, shall be, and they are hereby set apart and dedicated to and for the sole use and purpose of the said institutions.

SECTION 2. It shall be the duty of said State Board of Education, when any selection shall be made by it, under the authority of section 1 of this Act, to make a certificate of such selection, which certificate shall contain the date of such selection, a description of the lands selected, for what institution selected, and a reference to this Act by its title, and the date of its approval, as the authority for its said action and said certificate when so made shall be signed for said Board by the President and Secretary thereof, and filed and recorded with the Clerk and Recorder of the county in which said lands are situated, and a copy thereof shall be filed with the State Board of Land Commissioners.

SECTION 3. This Act shall not be construed as obligatory upon said State Board of Education to make such selection from the school or public lands of the State, but it may in its discretion select such State or public lands, or other lands as it may deem advisable for the best interests of said institutions.

SECTION 4. This Act shall take effect, and be in force from and after the date of its passage.

APPROVED Mch. 10, 1893.

An Act Giving the Consent of the State of Montana to the Purchase by the United States of Land in Any City or Town of the State for the Purpose of United States Court House, Post Offices and for Other Like Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That an Act, entitled "An Act giving the consent of the State of Montana to the purchase by the United States of land in

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any city or town of the State for the purpose of United States Court House, Post Office, and for other purposes," approved March 5, 1891, be amended so as to read as follows:

SECT. 1. That pursuant to article 1, section 8, paragraph 17, of the Constitution of the United States, consent to purchase is hereby given, and exclusive jurisdiction ceded, to the United States over and with respect to any lands within the limits of this State, which shall be acquired by the United States, for any of the purposes described in said paragraph of the Constitution of the United States; said jurisdiction to continue as long as the said lands are held and occupied by the United States for public purposes; reserving, however, to this State, a concurrent jurisdiction for the execution upon said lands of all process, civil, or criminal, lawfully issued by the courts of the State, and not incompatible with the cession hereby made; provided, that an accurate map or plat and description by metes and bounds of said land shall be filed in the office of the County Clerk, and Recorder of the county in which the same are situated, and if such lands shall be within the corporate limits of any city, such map or plat shall also be filed in the office of the City Clerk of said city; and provided further, that the State reserves the right to tax all property of any railroad or other corporation having a right of way or location over or upon the said land.

SECTION 2. This Act shall take effect from and after its passage.

APPROVED Mch. 9, 1893.

An Act, to Repeal an Act, With Reference to Estrays Upon the Public Domain.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That an Act, entitled an Act, with reference to estrays upon the public domain, adopted by the Second Legislative Assembly of the State of Montana, and approved March 5th, 1891, be and the same is hereby repealed.

APPROVED Feby. 3, 1893.

An Act Entitled an Act to Create a Lien for the Service of Stock Horses.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That every owner or agent who may have the cus-

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tody or control of any stallion, who shall charge a fee for the service of such stallion, shall, before advertising or offering such services to the public for any fee, reward or compensation, file with the Clerk of the county in which owner or owners or agents reside, or which (where?) such stallion shall be kept for service, a written statement, giving the name, age, pedigree and record if known, if not, that the same is unknown, description, terms and conditions upon which such stallion will serve. Upon filing such statement the County Clerk shall issue a certificate or license to owner or owners or agents, having custody and control of such stallion, that such a statement has been filed in his office, the owner or owners or agents of such stallion shall then post a written or printed notice of a copy of the statement so filed with the County Clerk in a conspicuous place in each locality in which said stallion shall be kept for service.

SECTION 2. Every owner or agent who shall proclaim or publish a false or fraudulent pedigree or record or statement of any kind regarding any stallion, or who shall neglect or refuse to comply with the provisions of section 1 of this Act, shall forfeit all fees for the services of such stallion and the person or persons who may have been deceived or defrauded by such false or fraudulent pedigree or record or statement, may sue and recover in any court having jurisdiction, such damages as may be shown to have been sustained by reason of false representation and fraud.

SECTION 3. Whenever the owner or agent of any stallion shall have complied with the foregoing provisions of this Act, the services of such stallion shall become a lien on each mare served, together with a foal of such mare served from such service in an amount agreed upon between the parties at the time of service; or if no agreement was entered into by them, in such amount as specified as service fee of stallion or stallions in the statement of the owner or agent filed with the County Clerk, *Provided*, A notice of lien shall be filed within twelve months after such service; such lien shall terminate at the end of the year from the date of filing notice thereof, unless within that time an action shall be commenced for the enforcement thereof.

SECTION 4. This Act shall take effect from and after its approval, and all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

APPROVED Feby. 25, 1893.

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An Act With Reference to Driving Stock Into or Through the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. All droves of horses, mules, cattle or sheep which may hereafter be driven from any other State or Territory of the United States or any foreign country, into or through any county or counties of this State, shall be plainly branded or marked with one uniform brand or mark.

SECTION 2. All such horses, mules and cattle shall be so branded with one distinct ranch or road brand of the owner or owners so as to show distinctly in such place or places as the owner may adopt.

SECTION 3. All such sheep shall be marked distinctly with such mark or devise as may be sufficient to distinguish the same readily should they become intermixed or mingled with other flocks of sheep in this State.

SECTION 4. Any such owner or owners, person or persons in charge of such drove of stock which may be driven into or through this State, who shall fail to comply with the provision of this Act, shall be fined in a sum not less than fifty dollars, nor more than three hundred dollars together with costs of suit.

SECTION 5. It shall be the special duty of the County Attorney, Sheriff, and any Constable of each and every county in this State, to enforce the provisions of this Act.

SECTION 6. All fines collected under the provisions of this Act, shall be paid into the general school fund of the county in which judgment therefor is recovered.

SECTION 7. All Acts and parts of Acts in conflict with this Act are hereby repealed.

APPROVED Mch. 7, 1893.

An Act to Prohibit any Person or Persons from Driving Horses, Mules or Cattle from Their Usual and Customary Range.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That any person or persons other than the owner of, or his agents who shall drive any horses, mules or cattle farther from their usual and customary ranges, than the nearest corral, and who shall neglect to return such horses, mules or cattle immediately to their accustomed range; provided they can have the use of such corral shall be deemed guilty of a misdemeanor, and on conviction

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thereof before any Justice of the Peace, in the State of Montana shall be fined in any sum not exceeding one hundred dollars ($100) nor less than twenty-five dollars ($25) to be collected as other fines are, and may also in the discretion of the said Justice of the Peace be imprisoned in the county jail for a term not more than three months, or both. All fines collected under the provisions of this Act shall be paid into the school fund of the county in which the said stock do most usually range and graze.

SECTION 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage.

APPROVED Mch. 9, 1893.

An Act to Amend an Act Entitled "An Act to Amend Section 1950 of the Fifth Division of the Compiled Statutes of Montana, Concerning School Bonds."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section one of an Act entitled "An Act to amend Section 1950 of the Fifth Division of the Compiled Statutes of Montana, concerning school bonds" is hereby amended to read as follows:

The Board of School Trustees of any school district within Montana shall, whenever a majority of the School Trustees so decide, submit to the electors of the district the question whether the board shall be authorized to issue coupon bonds to a certain amount, not to exceed three (3%) per cent. of the taxable property in said district, provided, that nothing herein contained shall authorize the issuance of bonds to an amount exceeding two hundred and fifty-one thousand dollars in any one school district, and bearing a certain rate of interest not exceeding six per centum per annum and payable and redeemable at a certain time, for the purpose of building and furnishing one or more school houses in said district, and purchasing land necessary for the same. Should the Trustees of any school district in which bonds have been heretofore issued to any amount, desire to submit to the electors of the electors of the districts the question as to whether additional bonds shall be issued they may do so, but no such bonds shall be issued unless a majority of all the votes cast at any such election shall be cast in favor of such issue of additional bonds; and in no case shall the whole issues of bonds exceed in amount three per centum

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of the taxable property within said school district. This Act shall not apply to an Act entitled "An Act to authorize the School Trustees of the School District Number One, of Deer Lodge County, to issue additional bonds for certain purposes," approved February thirteenth, 1885.

SECTION 2. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

APPROVED Feby. 14, 1893.

An Act Concerning the Duties of School Trustees.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. It is hereby made the duty of the School Trustees of all school districts in this State to provide separate privys or outhouses for the use of the sexes at all school houses where the same do not exist, and to see that the same are kept in good repair, and in a clean condition. Such privys or outhouses must be located and built in such a manner as to secure privacy. In all cases where there is no fence dividing the play yards of the sexes, the privys or outhouses herein named shall be separate and distinct buildings, and situated at least twenty feet apart.

SECTION 2. It shall be the duty of all Trustees, teachers, janitor or janitors of school districts to see that all privys or outhouses are kept in good repair and in a clean condition.

SECTION 3. Any Trustee or Trustees, teacher, janitor or janitors failing to comply with the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding one hundred dollars or imprisoned in the county jail not exceeding ninety days or both such fine and imprisonment in the discretion of the court.

SECTION 4. This Act shall take effect sixty days after its passage.

APPROVED Feby. 25, 1893.

An Act to Amend Section 1908 of the Fifth Division of the Compiled Statutes of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 1908 of the Fifth Divison of the Compiled Statutes of the State of Montana, be and the same is hereby amended to read as follows, to-wit:

SECTION 1908. County school moneys may be used by the

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County Superintendent and Trustees for the various purposes as authorized and provided in this article, and for no other purpose, except that in any district, any surplus in the general school fund to the credit of said district, after providing for the expenses of not less than eight months' school; may on a vote of the qualified electors of said district, be used for the purpose of building and improvement. If any school money shall be paid by the authority of the Board of Trustees for any purpose not authorized by this section, the Trustees consenting to such payment shall be liable to the district for the repayment of such sum and a suit to recover the same may be brought by the County Attorney or if he shall refuse to bring the same, a suit may be brought by any tax-paying elector in the district.

SECTION 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

APPROVED Mch. 2, 1893.

An Act to Amend Sections 3 and 4 of an Act Entitled "An Act Concerning Compensation of County, District and Township Officers;" Approved March 6th, 1891.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 3 of an Act, entitled "An Act concerning compensation of county, district and township officers," approved March 6, 1891, be and the same is hereby amended to read as follows:

SECTION 3. That the said officers named in section 1 of this Act, shall each be allowed to receive as annual compensation for their services as officers of their respective counties, by classes as follows, to-wit:

FIRST CLASS.

Treasurer, three thousand two hundred and fifty dollars.
Sheriff, four thousand dollars.
Assessor, twenty-five hundred dollars.
Clerk and Recorder, three thousand dollars.
Clerk of District Court, three thousand dollars.
County Attorney, twenty-five hundred dollars.
Superintendent of Common Schools, twelve hundred dollars.

SECOND CLASS.

Treasurer, three thousand dollars.
Sheriff, three thousand dollars.
Assessor, Twenty-five hundred dollars.
Clerk and Recorder, twenty-five hundred dollars.

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Clerk of District Court, two thousand dollars.
County Attorney, fifteen hundred dollars.
Superintendent of Common Schools, twelve hundred dollars.

THIRD CLASS.

Treasurer, twenty-two hundred dollars.
Sheriff, twenty-seven hundred dollars.
Assessor, eighteen hundred dollars.
Clerk and Recorder, twenty-two hundred dollars.
Clerk of District Court, fifteen hundred dollars.
County Attorney, twelve hundred dollars.
Superintendent of Common Schools, one thousand dollars.

The salaries herein provided for shall be paid to the respective officers monthly out of the contingent funds in their respective County Treasuries, in the manner hereinafter provided, save and except County Attorneys, which salaries shall be payable likewise, monthly, one-half from their respective counties in the same manner as herein provided with reference to other county officers, and the other one-half from the State Treasurer in the manner and form hereinafter provided, it being the intent and meaning of this Act, to limit the maximum actual compensation from all sources, of the officers named in this Act, to the sums mentioned in this section, provided however, that nothing in this Act shall be held to apply to the compensation received by the Sheriffs as mileage for actual and necessary traveling expenses in the performance of official duties, or for the board of prisoners.

The method by which the salaries herein provided for shall be paid to the respective officers, shall be as follows:

It shall be the duty of the officer to present to the County Clerk and Recorder a verified claim for the salary which may be due him under the provisions of this law, and thereupon, at the close of each and every month, it shall be the duty of such County Clerk to issue to such official, a warrant for the amount of the salary due to such official by law, and to deliver the same to him after he shall have filed the receipt hereinafter provided for; such receipt shall be substantially the same as that required to be signed and verified by the provisions of section 5 of this Act. The warrant herein required to be delivered to the respective officials shall receive before its delivery by the County Clerk, the signature of the Chairman of the Board of County Commissioners of the county in which such warrant is drawn, or in his absence from the county seat, or inability to act, the signature of any member of the Board of County Commissioners of said county,

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and when so signed, and after the same shall be countersigned by the County Clerk of said county, and delivered to the official, it shall have the same force and effect and be as valid in all respects as if such warrant had been issued at a regular session of the Board of County Commissioners. And any such warrant so issued may be presented to the County Treasurer, and shall be registered and paid by him, in manner and form as are other warrants regularly drawn against the funds of his county. And it shall be the duty of the Auditor of the State, upon presentation of a certificate to him, signed by the Chairman of the Board of County Commissioners of the county in which such certificate is made, or in his absence from the county seat, or inability to act, then any member of the Board of County Commissioners of said county, and countersigned by the County Clerk and Recorder of said county, naming the amount of salary which may be due to the County Attorney, to issue to such County Attorney a warrant upon the State Treasurer, for so much of the monthly salary as may be due to such official by the State, and such warrant shall be issued at the end of each and every month by such Auditor, and when so issued, shall be registered and paid by the State Treasurer in the same manner as other warrants regularly drawn against the funds of the State.

SECTION 2. That section 4 of this Act, entitled "An Act concerning the compensation of county, district and township officers," approved March 6th, 1891, be and the same is hereby amended to read as follows:

SECTION 4. The maximum annual compensation which shall be allowed to any deputy or assistant employed to assist the officers named in section one of this Act is hereby fixed and limited as follows:

First Class. Under Sheriff, not to exceed eighteen hundred dollars; each Deputy Sheriff not to exceed twelve hundred dollars; Deputy Clerk and Recorder not to exceed twelve hundred dollars; Deputy Clerk of District Court, not to exceed twelve hundred dollars; Deputy Treasurer, not to exceed twelve hundred dollars; Deputy Assessor, not to exceed twelve hundred dollars.

Second Class. Under Sheriff, not to exceed fifteen hundred dollars; each Deputy Sheriff, not to exceed nine hundred dollars; Deputy Clerk and Recorder, not to exceed twelve hundred dollars; Deputy Clerk of the District Court, not to exceed twelve hundred dollars.

Third Class. Under Sheriff, not to exceed fifteen hundred dollars; each Deputy Sheriff, not to exceed eight hundred dollars; Deputy Clerk and Recorder, not to exceed twelve hundred dollars; Deputy Clerk of the District Court, not to exceed twelve hundred dollars.

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Provided, That the whole number of deputies and assistants allowed the County Clerk and Recorder shall not exceed one for each three million or fraction thereof of assessed valuation. Provided, In no county shall the number exceed six deputies. The whole number of deputies allowed the Clerk of the District Court shall not exceed six, for counties of the first class, two for counties of the second class, and one for counties of the third class; provided further, that the whole number of deputies allowed the Treasurers of the first class shall not exceed one, and one additional deputy during the months of October, November and December, and such other assistants as may be deemed necessary by the Board of County Commissioners; and no deputy shall be allowed the Treasurers of the second and third classes. The Assessor in the first class shall be allowed one deputy for six months of the year. Such additional deputies for the first class shall receive a salary not to exceed one hundred dollars per month during the time of their service. The number of deputies and their compensation allowed to the county officers within the maximum limits named in this Act shall be determined by the Board of County Commissioners. The salaries herein provided for, or so much thereof as shall be due and owing shall be paid by warrants drawn on the contingent funds of their respective counties, in monthly installments, after they shall have filed verified bills, as officials are required to file under the provisions of this Act, and said warrants shall be drawn at the close of each month, by the County Clerk, and signed as herein provided for in the case of warrants in favor of officials, and such warrants may be presented, registered and paid in the same manner as warrants in favor of such officials.

SECTION 3. All Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed.

SECTION 4. This Act to take effect and be in force from and after its passage.

APPROVED Mch. 2, 1893.

An Act to Amend an Act Entitled "An Act Concerning Compensation of County, District, and Township Officers."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 4, of said Act entitled "An Act concerning the compensation of county, district and township officers," approved March 6th, 1891, be and the same is hereby amended to read as follows:

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"SECTION 4. The maximum annual compensation which shall be allowed to any deputy or assistant employed to assist the officers named in section 1 of this Act is hereby fixed and limited as follows:

First Class—Under Sheriff not to exceed eighteen hundred dollars; each Deputy Sheriff not to exceed twelve hundred dollars; Deputy Clerk and Recorder not to exceed twelve hundred dollars; Deputy Clerk of the District Court, not to exceed twelve hundred dollars; Deputy Treasurer, not to exceed twelve hundred dollars; Deputy Assessor, not to exceed twelve hundred dollars.

Second Class—Under Sheriff, not to exceed fifteen hundred dollars; each Deputy Sheriff, not to exceed nine hundred dollars; Deputy Clerk and Recorder, not to exceed twelve hundred dollars; Deputy Clerk of the District Court, not to exceed twelve hundred dollars.

Third Class—Under Sheriff, not to exceed fifteen hundred dollars; each Deputy Sheriff, not to exceed eight hundred dollars; Deputy Clerk and Recorder not to exceed twelve hundred dollars; Deputy Clerk of the District Court, not to exceed twelve hundred dollars;

Provided, That the whole number of deputies and assistants allowed the County Clerk and Recorder shall not exceed one for each three million or fraction thereof of assessed valuation; *Provided:* In no county shall the number exceed six deputies.

The whole number of deputies allowed the Clerk of the District Court shall not exceed six for counties of the first class, two for counties of the second class, and one for counties of the third class: *Provided: further* That the whole number of deputies allowed the treasures (Treasurers?) of the first class shall not exceed one and one additional deputy during the months of October, November and December, and such other assistants as may be deemed necessary by the Board of County Commissioners; and no deputies shall be allowed the Treasurers of the second and third classes.

The Assessor in the first class shall be allowed one deputy for twelve months of the year. Such additional deputies for the first class shall receive a salary not to exceed one hundred dollars per month during the time of their service.

The number of deputies and their compensation allowed to the county officers within the maximum limits named in this Act shall be determined by the Board of County Commissioners.

The salaries herein provided for, or so much thereof as shall be due and owing shall be paid by warrants drawn on the general funds of their respective counties, in monthly installments, after they shall have filed verified bills, as officials are required to file under the provisions of this Act, and said warrants shall be drawn at the close of

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each month by the County Clerk, and signed as herein provided for in the case of warrants in favor of officials, and such warrants may be presented, registered and paid in the same manner as warrants in favor of such officials.

SECTION 2. This Act shall take effect from and after its passage.

APPROVED Mch. 9, 1893.

An Act Relative to the Appointment of Special Deputies, Marshals or Policemen, by Sheriffs, Mayors and Other Persons Authorized by Law to Make Such Appointments and to Prescribe Penalties for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That no sheriff of a county, mayor of a city or other persons authorized by law to appoint special deputies, marshals or policemen in this State to preserve the public peace and prevent or quell public disturbance, shall hereafter appoint as such special deputies, marshals or policemen, any person who shall not have resided continuously in this State for a period of one year at least and in the county where such appointment is made for the period of at least six months prior to the date of said appointment, provided, that the provisions of this section shall not apply in cases of such officers summoning a posse forthwith to quell public disturbance or domestic violence.

SECTION 2. That it shall be unlawful for any person or persons, company, association or corporation to bring or import into this State, or who shall cause or in any wise aid in bringing, or import into this State, any person or persons or association of persons for the purpose of discharging the duties devolving upon sheriffs, deputy sheriffs, marshals, policemen or constables or peace officers in the protection or preservation of public or private property or in the punishment of any person violating the criminal laws of this State.

SECTION 3. That any person or persons who shall in this State without due authority, exercise, or attempt to exercise the functions of, or hold himself or themselves out to anyone as a Deputy Sheriff, Marshal or Policeman, Constable or peace officer, shall be deemed guilty of a felony and upon conviction thereof shall in the discretion of the Court or Jury be imprisoned in the penitentiary for any period not less than one year nor more than three years, to which may be added a fine not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00), together with the costs of prosecution.

SECTION 4. Any person, company or association, who shall violate

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any of the provisions of this Act, shall upon conviction be deemed guilty of a felony and shall be punished by imprisonment in the penitentiary for a term of not less than one year, nor more than three years.

SECTION 5. All acts or parts of acts in conflict with this act are hereby repealed.

SECTION 6. This Act shall take effect from and after its passage.

APPROVED Feby. 13, 1893.

An Act Placing the Books, Papers and Other Property of the Historical Society of the State of Montana, Under Control of the State and Providing for the Appointment of Trustees to Manage the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the books, papers and other property now in the custody of the Librarian of the Historical Society of the State of Montana, or which may be added thereto, shall be under the exclusive control of a Board of five trustees who shall be nominated by the Governor and confirmed by the Senate, and shall serve for the term of two years and until their successors are appointed and qualified.

SECTION 2. That the said Board of Trustees shall adopt such rules and regulations as may be necessary to discharge the duties of said Historical Society, which are now or may be defined by law.

SECTION 3. That all acts and parts of acts in conflict with this act are hereby repealed.

APPROVED Mch. 2, 1893.

An Act, to Transfer the Miscellaneous Division of the Montana State Library to the Library of the Historical Society of the State of Montana and to the Care and Custody of Its Officers.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the books, papers, pamphlets, charts, maps, manuscripts, paintings, engravings, photographs and other property belonging (to?) the State, now in the Miscellaneous Division of the Montana Library or which shall hereafter be added to it by purchase or donation, are hereby transferred to and made a part of the library of the Historical Society of the State of Montana and shall be under the care and custody of the Librarian of said Society and the officers thereof.

APPROVED Mch. 9, 1893.

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An Act Entitled an Act to Amend Sections 58 and 59 of an Act Entitled "An Act Concerning Revenue," Approved March 6th, 1891.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That sections 58 and 59 of an Act of the Legislative Assembly of the State of Montana entitled "An Act Concerning Revenue," approved March 6th, 1891, be, and the same are hereby amended to read as follows, to wit:

SECTION 58. The Judge of the District Court, or if there be two Judges in the District, then the senior Judge of said District Court, shall on or before the second Monday in February of each year, designate three reputable citizens who shall be residents and taxpayers in the County for which they are appointed, who shall constitute a Board of Appraisers whose duty it shall be to fix valuations of real estate in the county for the purposes of assessment by the County Assessor, which valuation so fixed by said Board of Appraisers shall constitute the value or "true value" of such real estate. Said Board of appraisers shall meet on the third Monday in February of each year, and continue in session until its duties as prescribed by this section are completed, not exceeding eight days, except in counties where the valuation exceeds ten million dollars, the session of said Board shall not exceed twelve days unless the Judge appointing such Appraisers shall for good cause shown, by an order in writing extend the said time, but there shall be no such extension beyond a reasonable time for the said Appraisers with due diligence to complete their labors.

The Assessor in making up his assessment list of real estate is hereby prohibited from assessing any greater or less value upon any piece of real estate than that so fixed by said Board of Appraisers.

If there be more than one county in the district over which the Judge presides he shall designate three appraisers for each county in the District. *Provided*, That that no county official shall be appointed to serve upon the Board of Appraisers. It shall be the duty of the County Assessor to attend the meeting of the Board of Appraisers and give such Board all the information in his possession concerning property to be assessed and its valuation.

SECTION 59. Each member of said Board of Appraisers shall be allowed a compensation of eight dollars per day for his services while actually employed in the discharge of his duties as a member of said Board, such compensation to be allowed by the Board of County Commissioners and paid in the same way as other similar claims against the county.

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SECTION 2. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

SECTION 3. This Act shall be in force and take effect on the first day of January 1894.

APPROVED Feby. 24, 1893.

An Act to Amend Section 167, of an Act of the Second Legislative Assembly of the State of Montana, Entitled "An Act Concerning Revenue."

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That Sec. 167, of an Act of the Second Legislative Assembly of the State of Montana, entitled, "An Act concerning Revenue," approved March 6th, 1891, is hereby amended so as to read as follows:

"SECTION 167." The Assessor must demand payment of poll tax of every person liable therefor whose names does not appear upon the Assessment list, and on the neglect or refusal of such person to pay the same, he must collect by seizure and sale of any personal property owned by such person. Poll tax shall be added upon the assessment list to other taxes of persons liable therefor, paying taxes upon real or personal property, and paid to the County Treasurer at the time of payment of other taxes.

SECTION 2. Section 179, 180, and 181 of an Act entitled An Act concerning Revenue, approved March 6th, 1891, are hereby repealed.

SECTION 3. This Act shall take effect and be in force from and after its passage.

APPROVED Mch. 8, 1893.

An Act to Legalize and Confirm the Official Acts of Notaries Public.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The official acts of every person acting as notary public within the State of Montana, and heretofore commissioned as such, which acts have been performed since the eighth day of November, A. D. 1889, and up to and including the date of the passage of this Act, so far as such acts might be effected, impaired or questioned by reason of change of residence made after appointment, misnomer or mis-spelling of name or other error made in the appointment or commission of such notary public; neglect to take the prescribed

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oath of office; the minority of such person, or the expiration of his term of office, are hereby legalized and confirmed, and made effectual and valid.

SECTION 2. Nothing in this Act contained shall effect any legal action or proceeding now pending.

SECTION 3. This Act shall take effect from and after its passage.

APPROVED Feby. 15, 1893.

An Act, Entitled an Act, to Amend an Act, Entitled "An Act to Provide an Index to District Court Records and Providing for Keeping the Same," Approved February 23d, 1891.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That an Act entitled "An Act, to provide an index to district court records and providing for keeping the same," approved February 23d, 1891, be, and the same is hereby amended so as to read as follows, to-wit:

SECTION 1. That hereafter each Clerk of Court in each County of the respective Judicial Districts of the State shall keep in addition to the records now required by law, a book called "General Index to Court Records" and also a second book to be called "Inverse General Index to Court Records". The pages of the "General Index" shall be divided into eighteen columns, and the pages of the "Inverse General Index" shall be divided into five columns, with heads to the respective columns as follows:

FOR THE "GENERAL INDEX" THUS:

No.	Plaintiff	Defendant	Nature of Action	Date begun	Entries in Court Record	Pages	Date dismissed	Date of Judgment	Amount of Judgment	Judgment Record		Judgment Docket		Execution Date issue	Execution Book		Order of Sale		Date appealed	Remittur Date filed	Remarks
										Book	Page	Book	Page		Book	Page	Book	Page			

FOR THE INVERSE GENERAL INDEX THUS:

No.	Defendants	Plaintiffs	Nature of Action	Date begun	

SECTION 2. Said Clerk shall cause to be made in each of said index books correct entries under the appropriate headings of each and every action begun in the Court of which he is Clerk, entering them alphabetically by the name of the plaintiff in the "General Index" and alphabetically by the name of the defendants in the "Inverse General Index" continuing to make such entries in the manner aforesaid from time to time as the progress of the case may require.

APPROVED Feby. 27, 1893.

An Act Regulating the Hours of Labor of Stationary Engineers and Fixing Penalties for Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That from and after the first day of May, A. D. 1893, it shall be unlawful for any person or persons to operate or handle for more than 8 hours in each twenty-four (24) hours, any first motion or direct-acting hoisting engine; any geared or indirect-acting hoisting engine at any mine employing fifteen (15) or more men underground, where the duties of a fireman are performed by the engineer in charge, also any stationary engineer operating a stationary engine developing fifty (50) or more horse power where such engineer has charge or control of a boiler or boilers in addition to the other duties performed by him.

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This Act shall only apply to such steam plants as are in continuous operation, or are operated twenty (20) or more hours in each twenty-four (24) hours.

SECTION 2. From and after the first day of May, A. D. 1893, it shall be unlawful for any person or persons, company or corporation to induce or persuade or prevail upon any person or persons to operate or handle such steam engine or engines for more than eight (8) hours in each twenty-four (24) hours as described in section 1 of this Act; provided, however, that the provisions of this Act shall not apply to persons running any engine or machinery more than eight (8) hours in each twenty-four for the purpose of relieving another employee in case of sickness or other unforeseen cause.

SECTION 3. Any person or persons, company or corporation who shall violate any of the provisions of this Act, upon conviction shall be punishable by a fine of not less than ten (10.00) Dollars nor more than one hundred ($100.00) (dollars?) and each, and every day that such person or persons, company or corporation may continue to violate any of the provisions of this Act, shall be considered a separate and distinct offense, and punishable as such.

SECTION 4. All acts and parts of acts in conflict with this act are hereby repealed.

APPROVED Feby. 16, 1893.

An Act to Amend an Act Entitled "An Act, to Provide for the Appointment of a Private Secretary to the Governor," Approved March Thirteenth, 1889.

Be it enacted by the Legislative Assembly of the State of Montana:

That Section 1 of an Act of the Sixteenth Legislative Assembly of the Territory of Montana, entitled, "An Act to provide for the appointment of a private secretary to the Governor," approved March 3, 1889, be, and the same is hereby amended so as to read as follows:

SECTION 1. That the Governor of Montana is hereby authorized to appoint a private secretary who shall hold his office at the pleasure of the Governor, and who shall receive an annual salary of Twenty-Four Hundred Dollars ($2400.) per annum, payable monthly.

SECTION 2. The Secretary shall perform such duties as may be required of him by the Governor and the laws of the State.

SECTION 3. All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

SECTION 4. This act shall take effect from and after its passage and approval.

APPROVED Mch. 1, 1893.

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An Act to Legalize Certain Funding Bonds Issued by Counties in Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That all bonds issued previous to January fifth 1893, by any County of the State of Montana; (by virtue and authority of Chapter XL of the Fifth Division of the Compiled Statutes of Montana, and all acts and parts of acts amendatory thereof,) for the purpose of funding or refunding outstanding indebtedness of such county, be, and the same are hereby legalized and declared to be valid and binding obligations of the respective county issuing the said bonds; provided, however, that this Act shall apply only to such issue or issues of bonds, which at the time of issuance thereof, together with other existing indebtedness of the respective county, did not exceed the constitutional limit of the total indebtedness of such county.

SECTION 2. This Act shall take effect immediately from and after its passage and approval.

APPROVED Mch. 2, 1893.

An Act to Amend Section 473, Second Division of the Compiled Statutes of Montana Relating to Legacies.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section number 473 of the Second Division of the Compiled Statutes of Montana be and the same is hereby amended so as to read as follows:

SEC. 473. No estate, real or personal shall be bequeathed or devised to any charitable or benevolent society or corporation, or to any person or persons in trust for charitable uses except the same be done by letters duly executed at least thirty days before the decease of the testator, and if so made at least thirty days prior to such death, such devise or legacy and each of them shall be valid; provided that the prohibition contained in this section shall not apply to cases where not more than one-third of the estate of the testator shall be bequeathed or devised for charitable or benevolent purposes.

SEC. 2. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

APPROVED Mch. 7, 1893.

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An Act Relative to Sureties on Undertakings and Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. In all cases where an undertaking or bond with any number of sureties is authorized or required by any provision of the Code, or any law of this State, any corporation with a paid up capital of not less than one hundred thousand dollars, incorporated under the laws of this State for the purpose of making, guaranteeing or becoming a surety upon bonds or undertaking required or authorized by law, may become and shall be accepted as security or as sole and sufficient security upon such undertaking or bond, and such corporate surety shall be subject to all liabilities and entitled to all the rights of natural persons as such sureties; Provided: that whenever the liabilities of any such corporation shall exceed its assets the State Auditor shall require the deficiency to be paid up in sixty days, and if it is not so paid up then he shall issue a certificate, showing the extent of such deficiency, and he shall publish the same once a week for three weeks in a daily paper published in the town or city wherein the principal office of such corporation is, and until such deficiency is paid up such company shall not be accepted on any bond, in estimating the condition of any such company, the State Auditor shall allow as assets only such as are allowed under existing laws at the time, and shall charge as liabilities in addition to eighty per cent. of the capital stock all outstanding indebtedness of the company, and the premium reserved equal to fifty per centum of the premiums charged by said company on all risks then in force.

SECTION 2. In all cases where an undertaking or bond is authorized or required by any law of this State, the officer taking the same must, except in the case of such corporation as is mentioned in the next preceding section, require the sureties to accompany it with an affidavit that they are each responsible and householders or freeholders within the State and are each worth the sum specified in the undertaking or bond over and above all their just debts and liabilities, exclusive of property exempt from execution. But when the amount specified in the undertaking or bond exceeds three thousand dollars and there are more than two sureties thereon they may state in their affidavits that they are severally worth amounts less than the amount specified in the undertaking or bond, if the whole amount be equivalent to that of two sufficient sureties. Any corporation such as is mentioned in the next preceding section may become one of such sureties. No such corporation shall be accepted in any case as a surety

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whenever its liability exceeds its assets, as ascertained in the manner provided in the preceding section.

SECTION 3. All acts and parts of acts in conflict with this act are hereby repealed.

APPROVED Mch. 9, 1893.

An Act to Punish Administrators, Executors or Guardians Failing to Render Accounts or File Reports Required by Law.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Any administrator, executor or guardian who shall fail to make, render or file any account, report or statement in any estate in his charge within the time required of him by law, may be, by the Court within which the estate is being administered, summarily punished by a fine in any sum not exceeding one hundred dollars, and may be committed to jail until payment be made, and his letters may be by the Court summarily revoked.

SECTION 2. This Act shall take effect and be in force from and after the first day of April, 1893.

APPROVED Feby. 16, 1893.

An Act to Amend an Act Entitled "An Act Concerning the Storage of Gunpowder and Other High Explosives" Approved March 1st, 1883, and for the Better Protection of Unincorporated Towns and Villages.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. No person, company or corporation, shall store, deposit, or keep within the limits of any unincorporated town or village, gunpowder, nitro-glycerine, gun-cotton, dynamite or other dangerous or powerful explosives exceeding one hundred pounds: and no magazine or storehouse where such explosives are stored or kept, shall hereafter be located nearer than one mile from such unincorporated town or village.

SECTION 2. That all magazines and storehouses for the storage of powder and other combustibles in quantities, if of wood, shall have walls of not less than ten inches in thickness, and if of brick fourteen inches, or of stone not less than twenty inches in thickness, without openings therein, except necessary ventilations and one door not to exceed thirty inches in width. Said door shall be double, one opening outward and the other inward. The outer door shall be of plank not

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less than two inches in thickness, to be covered on the outside with one-eight inch iron. Both of said doors shall be kept securely locked at all times when powder is stored therein, except when it is necessary to store therein, or remove therefrom such powder or other explosives. Such building shall be well and securely roofed, and from and after the passage of this Act, it shall be unlawful to store gunpowder or any other of the explosives herein named, in amounts exceeding one hundred pounds, elsewhere than in such storehouse or magazine, above ground or on the surface thereof.

SECTION 3. No person, or persons, shall store, or keep in any store, warehouse, or any other building within the limits of any unincorporated town or village, more than five thousand (5,000) giant caps at any one time, or any coal oil, kerosene or petroleum, exceeding sixty gallons, other than in original packages, within the limits of the said unincorporated town or village, or shall sell, lend, barter or dispose of, deliver or receive the same, or any or either of the said articles or materials, in the section herein enumerated, after dark, by the aid of any lamp, lantern, candle, match or other artificial light, except electric light.

SECTION 4. No person, company or corporation shall store, deposit or keep in any mine within the limits of any unincorporated town or village a greater quantity than two hundred and fifty (250) pounds of gunpowder, blasting powder, nitro-glycerine, guncotton, dynamite, etc., or other powerful or dangerous high explosives, on any one level of such mine, nor shall the aggregate quantity of such explosives stored, deposited or kept in any one mine, belonging to any one person, company or corporation, at any one time, exceed three thousand (3000) pounds.

SECTION 5. Any person or persons, company or corporation, violating the provisions of this Act, or any section thereof, shall be guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding five hundred ($500) dollars.

SECTION 6. All Acts and parts of Acts in conflict with this act are hereby repealed.

SECTION 7. This Act shall take effect and be in force, from and after its passage.

APPROVED Mch. 8, 1893.

An Act to Provide Further Protection to Game, Fur-Bearing Animals, Birds and Fish.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That any person who shall wilfully shoot or otherwise

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kill for the period of ten years from and after the passage of this Act, any bison, buffalo or quail or Chinese pheasant, or who shall wilfully shoot or otherwise kill for the period of six years from and after the passage of this Act, any Moose, elk, otter or beaver within this State shall be deemed guilty of a misdemeanor, and be fined not less than Two hundred Dollars, and not more than Five hundred Dollars, or be imprisoned in the county jail not less than two months nor more than six months or both such fine and imprisonment for each offense committed, in the discretion of the Court, and the possession of the skin or meat of any of the above mentioned animals, or of offering for sale any unmounted heads or horns of said animals killed during said period, shall be prima facie evidence that the person having either in his possession, killed the same in violation of this section.

SECTION 2. That any person who shall wilfully shoot or otherwise kill or cause to be killed any white tail deer, black tail deer, mule deer, mountain sheep, Rocky Mountain goat and antelope, between the fifteenth day of December and the fifteenth day of August of the following year, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined any sum not less than fifty dollars nor more than one hundred dollars for each offense committed or imprisonment in the county jail for not less than thirty days nor more than sixty days.

SECTION 3. The provisions of the preceding sections shall not be deemed or held to apply to persons who have raised or own the animal they kill, or persons who have to kill beaver to protect their water rights, provided however, that it shall be unlawful for anyone to catch beaver on private lands without consent of owner or owners.

SECTION 4. That a fishing tackle consisting of a rod or pole, line and hook, shall be the only lawful means by which fish may be taken in any of the waters of the State. That said hook shall not be baited with any poisonous drug or substance, and that it shall be unlawful for any person or persons to make any dams or use any fish traps, grab-hooks or similar means for catching fish, and no speckled or mountain trout shall be caught at any time for speculative purposes or for market or for sale, and it shall be unlawful for any person to sell or offer for sale any speckled or mountain trout in this State; provided, that a seine or catch net having a mesh of not less than one inch square may be used in the Missouri River below the Great Falls thereof, and in the Yellowstone River below the Clarkes' Fork thereof, and nothing herein contained shall prevent the use of seines or nets for the purpose of taking fish to be transplanted into private ponds, fish pools, fountains or aquariums for the purpose of breeding; provided, that no

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speckled or mountain trout or other small fish shall be taken or caught except from private ponds by owners in any manner during the months of May and June. All ditches or drains leading from natural streams, shall be protected at the junction of said ditch or drain with said natural stream by a grate of not more than one-half inch mesh, the said grate shall be placed at said junction on September first and removed on March first of each year. It shall be the duty of the person or persons using said ditch or drain to see that said grate is placed in the proper condition and kept in good repair. Any person or persons, company or corporation offending against this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than Twenty Dollars, nor more than One hundred Dollars, or shall be imprisoned for a period of not more than six months, or by both such fine and imprisonment.

SECTION 5. Any person or persons who shall use any giant powder or other explosive compounds for the purpose of catching or killing fish shall be deemed guilty of felony and upon conviction thereof shall be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars or by imprisonment in the State Prison not less than one year, nor more than three years, or both such fine and imprisonment.

SECTION 6. That any person or persons who shall wilfully shoot, or otherwise kill or cause to be killed, at any time any of the animals mentioned in section 2 of this Act, for the purpose of procuring the head or hide only, or for speculative purposes, or for market or for sale shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty nor more than two hundred dollars, or by imprisonment in the County Jail not less than one month nor more than six months, or by both such fine and imprisonment.

SECTION 7. That any person or persons who shall wilfully hunt, chase, hound or run with dogs, any of the animals mentioned in section 2 of this Act at any season or time of year shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars, nor more than twenty-five dollars for each offense committed.

SECTION 8. That any person or persons who shall wilfully trap, shoot, or otherwise kill or cause to be killed any marten or fisher between the first day of April and the first day of October in each year, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than twenty-five dollars for each offense committed.

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SECTION 9. That any person or persons who shall wilfully shoot, or kill or cause to be killed any grouse, prairie chicken, pheasant, fool hen, sage hen, partridge or snipe between the fifteenth day of November and the fifteenth day of August of the next ensuing year, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars, nor more than fifty dollars, and all persons are hereby prohibited at all times from killing any of the birds in this section for speculative purposes, or for market or for sale, and any person or persons who shall hereafter kill for speculative purposes or offer for sale any of the kinds named in this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than fifty dollars for each offense committed.

SECTION 10. That any person or persons who shall wilfully shoot or kill or cause to be killed, any wild geese or wild ducks, brant or swan between the first day of January and the first day of September of each year, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than ten dollars, and not more than twenty-five dollars for each offense committed, or imprisonment for not more than thirty days or both such fine and imprisonment in the discretion of the Court.

SECTION 11. That any person who shall wilfully shoot or otherwise kill or in any manner whatever, cause to be killed, any robin, meadow lark, thrush, flecker or yellow hammer, oriole, mocking bird, gold finch, snow bird, cedar bird, or any other of the small birds known as singing birds shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars nor more than ten dollars for each offense committed or be imprisoned in the county jail for a period not exceeding thirty days at the discretion of the Court.

SECTION 12. That any person who shall wilfully destroy the nests or carry away the eggs from the nest of any of the birds or wild fowls mentioned in this Act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than five dollars nor more than ten dollars for each offense committed, or be imprisoned in the county jail for a period not exceeding thirty days at the discretion of the Court.

SECTION 13. That the possession of the dead bodies, or any part thereof, of the animals or birds mentioned in this Act shall be taken as prima facie evidence that such person or persons is or are guilty of killing the same.

SECTION 14. Any person or persons, agent or employe of any

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stage or express company or railroad company or association of persons, who shall receive for transportation or carriage or shall sell or offer for sale fish or game that have be caught, taken or killed, contrary to the provision of this Act, knowing or having reasons to believe that such fish or game were so illegally caught, taken or killed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than one hundred dollars nor more than three hundred dollars for each lot or shipment of fish or game so transported or carried, or be imprisoned in the county jail not less than thirty days nor more than ninety days at the discretion of the Court.

SECTION 15. That all fines and penalties mentioned in any section of this act, may be collected by a civil action in the name of the State of Montana, in any Court of competent jurisdiction, upon a proper complaint being filed in the cause; one-half of all fines so collected shall be paid into the county treasury of the county in which the offence was committed for the benefit of the common schools of said county, and one half of all fines so collected shall be paid to the person or persons making complaint of the commission of such offense. All such fines and costs shall be collected without stay of execution and such defendant or defendants may, by order of the Court be confined in the county jail of such county until such fine and costs are paid; provided, however, if the jury, justice of the peace, magistrate or judge before whom such complaint shall be tried, shall certify by their verdict, or any order of Court, that there was no probable cause to believe the defendant or defendants guilty, then in that case, the complainant shall pay all costs which have accrued in the case.

SECTION 16. It shall be the duty of all Grand Juries to investigate all infractions of any provision or provisions of this chapter except such cases and violations as may have been tried by a Court of competent jurisdiction, and upon due proof of the violation of any of the said provisions, they shall proceed to indict such party or parties according to law; and it is hereby made the duty of the Court to call the attention of each Grand jury to the provisions of this chapter.

The District Court shall have concurrent jurisdiction with the Justices Courts of all offenses committed under the provisions of this Chapter. And be it further provided that in construing this chapter, the provisions and penalties hereinbefore made and prescribed shall be deemed and held to include all indians and half-breed indians, when outside of an Indian Reservation.

SECTION 17. All persons having in operation, and all persons who may hereafter construct and put in operation, in the State of Montana,

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either in person or by Agent, any saw mill on any stream containing fish, are hereby required to so care for any sawdust that may emanate from any such saw mill or saw mills as to prevent the same from mingling with the waters of any such stream. And all persons owning or operating or who may hereafter own, construct or operate any saw mill on any stream containing fish, who shall drop, dump or cart, or cause to be deposited in such stream any such quantity of saw dust, bark or debris, shall be deemed guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction, shall be fined in any sum not less than fifty nor more than two hundred dollars for each and every offense.

SECTION 18. There shall be constructed at all dams now existing, or any that may be hereafter placed on any of the streams in the State, a fish way or ladder, said fish way or ladder to conform to the following requirements: It shall be from three to six feet in width as the fish warden may direct, it shall extend from the base to the apex of the dam, it shall be constructed strongly and made of at least two inch plank, the sides shall be not less than one foot in heighth, it shall have wings placed on the inside at not more than an angle of 45 degrees, said wings shall not be more than four feet apart on each side of the way or ladder, the channel between the wings shall be one-fourth the width of the way or ladder, the way or ladder shall have a slope of not more than 30 degrees. Any person, persons or corporation who shall violate any of the provisions of this section or upon conviction thereof shall pay a fine of not less than fifty dollars, nor more than two hundred dollars or be imprisoned in the county jail for a period of not less than thirty days, nor more than ninety days at the discretion of the Court.

SECTION 19. That after the expiration of the periods of time mentioned in Section 1 of this Act, it shall be unlawful for any person or persons to kill any of the animals or birds mentioned in said section 1, at any time between the fifteenth day of December and the fifteenth day of August of the following year, and it shall be unlawful at all times to kill any female bison, buffalo or moose. Any person or persons violating the provisions of this section shall be liable to the same penalty as prescribed in section 1 of this act.

SECTION 20. All acts or parts of acts in conflict with this act, be and the same are hereby repealed.

SECTION 21. This act shall take effect and be in force from and after its passage.

APPROVED Mch. 1, 1893.

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An Act to Amend An Act Entitled "An Act to Provide for the Registration of the Names of Electors, and to Prevent Fraud at Elections" Approved March 8th, 1889.

Be it enacted by the Legislative Assembly of the State of Montana:

That Section 2 of an Act to provide for the registration of the names of electors and to prevent fraud at elections," approved March 8, 1889, is hereby amended, by striking out, after the word "Act" in line 9 of said Section, the following words: Provided, except as herein provided for, the first registry agents to be appointed under this Act shall be appointed by the County Commissioners of the several Counties at their regular meetings in June 1889, and they shall hold their offices until June 4th, 1890, and until their successors are appointed and qualified," down to the word "provided" on lines 13 and 14 of said section. Also by striking out the word "further" on line 14 of said Section; also by striking out the word "two" after the word "appoint" and before the word "registry" in line 24 of said section and inserting in place thereof the words "at least three" but not more than four;" also, by striking out the word "two" after the word "where" and before the word "registry," in line 25 of said section, and inserting in place thereof the words "three or more," so that the section shall read as follows:

SECTION 2. There shall be one registry agent for each election district created pursuant to this Act. All registry agents shall be competent persons and shall be appointed by the Board of County Commissioners. They shall be resident freeholders and qualified voters in the several election districts for which they shall be appointed. They shall be, and are hereby empowered and authorized to administer oaths and affirmations, and to do such other acts as may be necessary to fully carry out the provisions of this Act; provided, that no person a candidate for, or who holds a territorial, county or other office, shall be eligible to or hold the office of register of elections. All registry agents shall be appointed bi-ennially each regular general election year at the regular June meeting of the Board of Commissioners, and shall hold their office for the period of two years, except as hereinafter otherwise provided, but they shall be subject to removal at any time by the Board of County Commissioners; provided, that in any election district wherein any incorporated city containing five thousand population or more is situated, it shall be lawful for the County Commissioners to appoint at least three, but not more than four, registry agents and in any district where three or more registry agents shall be appointed the County Commissioners shall allot, by order entered upon their minutes, to each of such agents, the particular

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precincts in which such agents shall make the registration under this Act.

That Section 3 of the said above referred to Act is hereby amended by striking out the following words, on lines 35 and 36 of said section, "or has declared his intention to become such," and inserting in place thereof, the following words, "or that he will be entitled to be a full citizen, and it is his intention to become a full citizen before election day of this year," so that the section shall read as follows:

SECTION 3. It shall be the duty of the Chairman of the Board of County Commissioners of any County, in Montana, when he shall have received notice from any responsible citizen of the death, disqualification or resignation of any registry agent, after the opening and prior to the closing of the books of registration, to immediately, without giving notice, appoint some competent person to fill such vacancy, and it shall be the duty of such person so appointed to qualify within two days after receiving notice of such appointment. Should such person so appointed fail to qualify within the time herein provided, voters may, upon producing evidence, as to their right to vote, be registered in any other district in said county, and any person so registered in any other district shall, upon presentation and surrender of a certificate of registration signed by the registry agent of said district, be considered a legal voter in the precinct of the district in which he is a resident; provided, this section shall not be so construed as to interfere with the right of the full Board of Commissioners to make such appointment, except in cases herein provided. If any person applies to be registered in any district other than the one in which he resides, and is entitled, upon proof to a certificate of registration, as provided for in this section, such applicant, in addition to the proof required by this Act to entitle him to registration, shall take and subscribe to an oath before the registry agent in substantially the following form:

.....Montana,.....18....

I do solemnly swear that I make this application for registration in District No.....of.....County of....., Montana, because there is no registry agent within Election District No....., which is the district where I reside and am entitled to vote.

Subscribed and sworn to before me this.....day of.....,18...

.....Registry Agent.

Whereupon such person shall receive from the Registry Agent of such district a certificate, which said certificate shall bear the registry seal and be substantially as follows, to-wit:

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REGISTRATION CERTIFICATE.

I hereby certify that.....is a citizen of the United States, "or that he will be entitled to be a full citizen and it is his intention to become a full citizen before election day of this year," of the age.....years, and has been a resident of Montana for the past .....consecutive months, and a resident of..... County for.....months, and of the precinct for more than .....days, and that he is in all respects a qualified registered elector under the laws; and I further certify that the reason he applies for and that I grant this registration certificate is because within Election District No.....where he resides, there is no registry agent.

And I further certify that he is under the laws entitled to vote in the .....precinct of Election District No....., ... County, Montana.

Witness my hand and seal of office in Election District No..... .....County, Montana.

(SEAL) .....Registry Agent.

Election District No.....

.....County, Montana.

That Section 4 of the said above titled law concerning the registration of voters is hereby amended by striking out, on lines 12 and 13 of said section, the words, "or certificate of declaration of intention to become a citizen," also by inserting in line 14 of the said section, after the word "thereof" in said line, the following words "Registry Agents are hereby required to deliver to the Clerk of the County all books of registry which may have come into their hands pursuant to the provisions of this law. Such books shall be delivered immediately after the registry agent shall have made up and delivered his check lists and index books, as required by section 10 of this law."

There shall also be added to section 4 of said Act the following words: It is hereby made the duty of each and every registry agent to designate, on or before the first day upon which he is required to commence the registration of voters and to publish in some newspaper within his county a public notice that he will sit within each and every precinct within his election district. In such notice he shall designate his home office, wherein he shall sit, and be found, during the first three days and the last three days that the registration books shall be opened, and upon every registration day when he is not sitting within other precincts. He shall also designate in his notice at least two, and not more than three days in which he will sit within each precinct within his district, and he shall so arrange his sittings, if practicable, as to sit on one Saturday in each and every precinct in his district. He

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shall give notice of the exact place in each precinct in which he will sit, and he shall sit in no other place within such precinct, unless it shall become impossible for him to sit in the place designated, and if he cannot secure accommodations at the place designated it shall be his duty to secure them at the nearest possible suitable place, and he shall immediately post notices at the place originally designated that he is sitting elsewhere, and such notices shall give the exact location of where he may be found. And it is hereby made the duty of registry agents to attend at the places designated and to register voters thereat between the hours of ten in the morning and ten at night, omitting, if they see fit, the hour between twelve o'clock noon and one o'clock in the afternoon, and six o'clock and seven o'clock in the evening. In addition to the notice in the newspaper of the schedule of the registry agent's appointments he shall post, or cause to be posted, within each precinct of his election district, a copy of such published notice, so that the voters within each precinct shall know the exact date upon which the registry agent may sit within their precincts. The registry agents are hereby forbidden to register any person or persons, outside of the offices, but any elector qualified to register within the election district in which he resides any (may?) register within any point within his election district whether within his proper precinct or not, but the registry agent shall designate, as is required by this Act, the particular precinct where such elector may reside, and be entitled to vote, so that the section shall read as follows:

SECTION 4. The County Commissioners of the several Counties shall provide for the registry agents in their respective counties when and where required, all proper and necessary books, seals and stationery, to carry out the provisions of this Act (particularly printed copies of this Act) they shall furnish to each registry agent a bound book, which shall be known as the "official Register," which shall be ruled in columns of suitable dimensions to provide for the following entries, opposite the names of each elector, to-wit:

First, Number of the Registry;
Second, Date of Registry;
Third, Name of Elector;
Fourth, Age of Elector;
Fifth, Where born;
Sixth, Number of ward or name of electoral precinct;
Seventh, Description of residence;
Eighth, Certificate of naturalization exhibited or a certified copy thereof.

Registry agents are hereby required to deliver to the clerk of the

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County all books of registry which may have come into their hands pursuant to the provisions of this law. Such books shall be delivered immediately after the Registry Agent shall have made up and delivered his check lists and index books, as required by section 10 of this law. They shall also furnish each registry agent with a seal, upon which shall be engraved substantially as follows:

..... County, Montana, Registry Seal, Election District No. .....

The name of the county and the number of the election district shall be engraved upon such seal to correspond to the county and election district in which such seal is to be used. It is hereby made the duty of each and every registry agent to designate, on or before the first day upon which he is required to commence the registration of voters, and to publish in some newspaper within his county a public notice that he will sit within each and every precinct within his election district. In such notice he shall designate his home office, wherein he shall sit, and be found, during the first three days and the last three days that the registration books shall be opened, and upon every registration day when he is not sitting within other precincts. He shall also designate in his notice at least two, and not more than three days, in which he will sit within each precinct in his district and he shall so arrange his sittings, if practicable, as to sit one Saturday in each and every precinct in his district. He shall give notice of the exact place in each precinct in which he will sit and he shall sit in no other place within such precinct unless it shall become impossible for him to sit in the place designated, and if he cannot secure accommodations at the place designated it shall be his duty to secure them at the nearest possible suitable place, and he shall immediately post notices at the place originally designated, that he is sitting elsewhere, and such notices shall give the exact location of where he may be found, and it is hereby made the duty of registry agents to attend at the places designated and to register voters thereat, between the hours of ten in the morning and ten at night, omitting if they see fit the hour between twelve o'clock noon and one o'clock in the afternoon, and six o'clock and seven o'clock in the evening in addition to notice in the newspaper of the schedule of the registry agents appointments he shall post or cause to be posted within each precinct of his election district a copy of such published notice so that the voter within each precinct shall know the exact dates upon which the registry agent may sit within their precincts, the registry agents are hereby forbidden to register any person or persons outside of their offices. But any elector qualified to register within the election district

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in which he resides may register at any point within his election district, whether within his proper precinct or not, but the registry agents, shall designate, as is required by this Act the particular precinct where such elector may reside and be entitled to vote.

That Sec. 5, of the said Act be and the same is hereby amended by striking out the following words, after the word "so," on line 2nd of said section down to, and including the word "for," on line 7 of said section at their respective offices, between the hours of two "P. M." and eight "P. M.," on all legal days from and after the fifteenth day of September to the 5th day of October, and between the hours of ten A. M., and ten P. M., from the fifth day of October to, and including the 15th day of October, prior to any general election not herein otherwise provided for," and inserting in place thereof the following words, "at their respective offices within each and every precinct of their election district between the hours of ten A. M. and ten P. M. on all legal days from and after ten o'clock A. M. of the second Tuesday of October to, and including the Tuesday next preceding any general election to be held within the State."

Also by striking out after the words "naturalization" on line 22 of said section down to and including the word "citizen" on line 23 of said section, the following words: "or certificate of declaration of intention to become a citizen." Also by adding to said section 5 the following words: "registry agents are hereby required to register voters each and every day during the period of registration, except upon Sundays and legal holidays, and upon such days, they shall not register; nor shall they be required to sit between the hours of twelve o'clock noon, and one o'clock in the afternoon, nor between the hours of six and seven o'clock in the evening, but they may, sit if they see fit during such hours," so that the section shall read as follows:

SECTION 5. It shall be the duty of the registry agents, at any time when called upon to do so, at their respective offices within each and every precinct of their election district, between the hours of ten A. M. and ten P. M. on all legal days from and after ten o'clock A. M. of the second Tuesday of October to and including, the Tuesday next preceding any general election to be held with this State, to receive and register the names of all persons legally qualified, and entitled to vote at such election, or will have legally acquired a residence, (being otherwise qualified) and who have a right to vote at such ensuing elections according to the provisions of law under which such election may be held in each election precinct within their respective districts. Registry agents shall enter on the official register, under the proper heading, the number and date of registry, the name (with the

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first or given name in full), the age and nativity of the elector, together with the number of the ward (within an incorporated town or city), the name of precinct, and a particular description of the house, building or room in which the elector resides, such as will enable a person of common understanding to find the same without difficulty; and when the person so registered shall be of foreign birth, the fact of the exhibition of, or failure to exhibit, his certificate of naturalization, or a certified copy thereof, shall be noted in the column provided for that purpose, which list, properly entered, as in this section required, shall be known as the "Official Register" of elections of their respective districts, and provided further, that if any person shall fail or refuse to give his residence, with the particularity required in this section, he shall not be registered. The registry agent shall cause to be published in at least one newspaper published within their respective districts, and if there be no newspaper published in such districts, then in a newspaper published at the nearest point in their district, and within the county in which such district is situated, for twenty days before the expiration of the time provided for registration prior to any general election, a notice signed by the registry agent to the effect that the time for the registration of the names of the qualified electors in the election district No..... giving also the names of the several precinsts or polling places embraced in such election district, prior to the election,.....(specifying the election to be held on the.....day of..... A. D. 18...., for the county, ...Montana, will expire at ten o'clock P. M., on the.....day of.....A. D. 18....

The publication of such notice shall continue until the expiration of the time provided for said registration; provided, that in remote or new and sparsely settled precincts, printed notices posted at not less than five conspicuous places within said district shall be substituted for the publication of a newspaper. Registry agents are hereby required to register voters each and every day during the period of registration, except upon Sundays and legal holidays, and upon such days they shall not register; nor shall they be required to sit between the hours of twelve o'clock noon and one o'clock in the afternoon, nor between the hours of six and seven o'clock in the evening, but they may, if they see fit sit during such hours." That section 6 of the said above referred to Act be, and the same is, hereby amended by striking out, after the word, "that" on line 7 of such section, down to and including the word "states," on line 8 of said section, and insert in lieu thereof the following words, "I will be entitled to become a citizen of the United States, and it is my honest intention to become such,

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before election day of this election year." Also, by striking out the word "six," in line ten of said section, and inserting instead thereof the word "twelve." So that the said section shall read as follows:

SECTION 6. Every person applying to be registered shall before he shall be entitled to have his name registered, take and subscribe to the following oath or affirmation, which shall be administered by the registering agent; provided, that no elector who has taken said oath at the time of his previous registration in Montana shall be required to do so the second time, to-wit: I do solemnly swear or affirm that I am a citizen of the United States, I will be entitled to become a citizen of the United States, and it is my honest intention to become such, before election day of this election year; that I am of the age of twenty-one years, and will have actually and not constructively been a bona fide resident in Montana twelve months, and the county thirty days, next preceding the day of the next ensuing election, and that I am not registered elsewhere in Montana for this electoral year, So help me God. (or under the pains and penalties of perjury).

Whenever an oath is required by the provisions of this Act, the elector will swear according to his religious faith or belief, and in such manner as may be considered most obligatory on his conscience. The registry books and lists shall be opened at any time for inspection by any qualified elector. That section 7 of the aforesaid law concerning the registration of voters is hereby amended by striking out, on line 14 of said section, the words: "or have you declared your intention to become such;" also by striking out the words "six months" after the word "Montana," and, in line 18 of said section, and inserting in place thereof the words "one year"; also, by striking out the words: "six months" in line 29 and 30 of said section, and inserting in place thereof the words "one year", so that the section shall read as follows:

SECTION 7. When any person shall appear and demand to be registered whom the registry agent shall not know to be entitled to registry under the qualifications required by law, for the election then ensuing the registry agent shall question the applicant generally, under oath as to his qualifications as an elector, and, if satisfied, shall enter his name in the registry; but if the registry agent shall not be fully satisfied, or if the applicant be challenged by a qualified elector of the county, stating distinctly the grounds of challenge, the registry agent shall require the applicant to answer truly, under oath or affirmation, the following questions, together with such other questions as said registry agent may consider necessary or proper, testing his qualifications as an elector for the ensuing election, to-wit:

First, Are you a citizen of the United States?

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Second, Are you now or will you be twenty-one years of age prior to the day of the next ensuing election?

Third, On the day of the next ensuing election will you have actually and not constructively resided in Montana one year, and in this county thirty days, next preceding the day of the election?

Fifth, Are you registered for this electoral year in any other election district in the name you have now given, or in any other name?

If any of the foregoing questions shall be answered in the negative, except the fifth, or that in the affirmative, the applicant shall not be registered; but if the applicant answer all the foregoing questions in the affirmative, except the fifth, and that in the negative, the applicant shall be registered. A resident within the meaning of this Act shall be construed to mean a person who has resided, or will have resided continuously within Montana for one year, and in the County thirty days, as prescribed by law, next preceding the day of the next ensuing election. The electoral year shall commence the first day of January and end on the thirty-first day of December of each year. Whenever a person is registered under the provisions of this Act, such registration shall hold good for two years; provided, however, that such person shall retain all the necessary qualifications as an elector, as defined in this Act; and provided further that a change of residence in precinct, county or district, shall require a new registration.

That section eight of the above referred to Act be, and the same is, hereby amended by striking out, in lines one and two of said section, the words "or person who has declared his intention to become a citizen," and by inserting after the word "citizen," on line one of said section, the words "or one who swears that he will be entitled to become, and will become, a naturalized citizen before election day"; also, by striking out, in lines three and four of said section the words "or certificate of intention to become a citizen"; also, by striking out, in lines ten and eleven of said section, the words "or certificate of declaration of intention to become a citizen;" also, by striking out, in lines sixteen and seventeen of said section, the words "or certificate of declaration of intention to become a citizen"; also, by striking out, in lines twenty-three and twenty-four of said section, the words: "or your certificate of declaration of intention to become a citizen"; so that said section shall read as follows:

SECTION 8. When a naturalized citizen or one who swears that he will be entitled to become, and will become a naturalized citizen before election day, shall apply for registration, his certificate of naturalization, or certified copy thereof, must be produced and stamped, or written in ink by the registry agent, with such registry agent's

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name, and the year, and the county where presented; but if it shall satisfactorily appear to the registry agent, by the oath or affirmation of the applicant (and the oath or affirmation of one or more creditable citizens as to the credibility of such applicant when deemed necessary) that such certificate of naturalization, or a certified copy thereof, is lost or destroyed, or beyond the reach of the applicant for the time being, said registry agent shall register the name of said applicant, unless he be by law otherwise disqualified; provided, that in case of failure to produce the certificate of naturalization, to become a citizen, or certified copy thereof, the registry agent shall propound to him the following questions:

First: In what year did you come to the United States?

Second: In what State or Territory, county, court and year did you declare your intention to become a citizen?

Third: In what State or Territory, County, Court and year were you finally admitted to citizenship?

Fourth: When did you last see your certificate of naturalization, or a certified copy thereof?

The answers to the above questions shall be taken down in the form of an affidavit, which shall be subscribed and sworn to by the applicant, and retained in possession of the registry agent and by him handed over to his successor; provided, that no person shall be required to make the affidavit twice before the same agent or the successor of such agent having in his possession the former affidavit.

That section 9 of the aforesaid law relating to the registration of voters is hereby amended by striking out the word: "seven," on line 4 of said section and by inserting in place thereof the word "three"; also, by striking out the word "seventh" on line 28 of said section, and inserting instead thereof the word "third," So that said section 9 shall read as follows:

SECTION 9. On the next day succeeding that on which the registration of electors, prior to any election mentioned in this Act, shall be closed, the registry agent, shall, with all reasonable expedition and always within three days prepare and cause to be written or printed a full and complete and true list of all the names registered by them and then remaining on the official register for each election precinct, alphabetically arranged, commencing always with the surname of each, and they shall have written or printed such reasonable number of copies of the election district list as they may deem necessary, showing on one sheet, but under separate headings, in such list, the registered voters in each polling precinct in the district, at least five copies of which said list they shall cause to be posted up in as many

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public and conspicuous places within each and every precinct in the district to which they apply; each registry agent shall, as soon as such lists are printed or written, subscribe and make oath to one copy thereof as being a true and correct and complete list of all the electors registered in his election district from the commencement to the close of the registration in such district, and shall, within two days after the publication or writing of such list deliver personally or by registered letter such verified copy to the County Clerk of the County, to be by him posted in a conspicuous place in his office until election day, and thereafter filed away as are other records of the county, and the remainder of such lists shall be distributed among the electors of the respective precincts. The registry agents shall give notice in said list that they will receive objections to the right to vote on the part of any person so registered until six o'clock P. M. on the third day previous to the day of election; and also, requesting all persons whose names may be erroneously entered in said lists to appear at his office and have such errors corrected. Such objections to the right of any person registered to vote shall be made only by a qualified elector in writing, setting forth the ground of objection or disqualification, and sworn to or affirmed to, to the best of his knowledge and belief. The registry agent before whom any such affidavits of objections are made shall carefully preserve the same and deliver them with the "check list" and other papers required by this Act to be delivered to the judges of election, as is herein provided for, and he shall write distinctly opposite to the name of any person to whose qualifications as an elector objections may be thus made, and the words "to be challenged," or words to that effect. It shall then be the duty of the judges of election if, on any election day, such person who has been objected to applies to vote, to test under oath his qualifications, and if he shall be found to be a disqualified voter, for any cause under the law, or if he refuses to take an oath of his qualifications, he shall not be permitted to vote.

That section 10 of Act concerning the registration of voters is hereby amended by inserting after the word "register" in line 23 of said section, the words, "and all certificates" which may have come into his possession pursuant to the provision of section 11 of this Act. So that the section shall read as follows:

SEC. 10. During the time intervening between the closing of any registration of electors and the day of the next ensuing election the registry agent shall carefully copy from official register into suitable books, one for each election precinct, within their respective districts, the names of all electors registered for such election precinct,

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alphabetically arranged, (the surname first), entering opposite each name the number it bears on the official register, together with words requiring challenges and all other entries therein found, opposite the name. The registry agent shall compare and complete, not later than two days, next preceding that on which the election is to be held, in "index books", one for each election precinct, and which shall be known as the "check list", of the names of all electors found on the official register, for such election precinct, alphabetically arranged, (the surname first), with the number such name bears in the official register placed at the left of the name of the elector, and with a blank column at the right of the column of names, formed by two parallel perpendicular lines, in which the judges of election shall check the names of those voting by some particular character, thus "V" for voted. Said blank columns last mentioned shall have written headings made by the registry agents, showing what particular election the said "check lists" apply to, as, for instance, "Voted at the general election, 1888". The copy of the official register and all certificates which may have come into his possession pursuant to the provisions of section 11 of this Act, together with the "check lists" for election precincts as herein provided, shall be carefully preserved and duly certified to by the registry agent, and delivered, together with affidavits of objection, to some one of the judges of election, in each election precinct, at a time not later than the day next preceding that on which such election is to be held, and such "check lists" shall be carefully preserved and any surrendered certificates which may have come into the hands of such registry agent pursuant to this Act, and after election they shall be transmitted by the judges of election to the clerk of the Board of County Commissioners in connection with, and as a part of the "election returns", as provided by law. Provided, that if any registry agent fails or refuses to furnish to the judges of election of any precinct lists of the registered voters as provided for in this section, the judges of election are authorized to take a copy of the printed or written list of registered voters in said precinct, as provided for in this Act, and conduct the election in said precinct in accordance with the provisions of this Act and their returns shall show the reason for using the written or printed list instead of the registered list at such election.

That section 11 of said above referred to Act be, and the same is, hereby amended by inserting in line one of said section after the word "moving" and before the word "from" the words "his actual residence"; Also by inserting in line two of said section, after the word "within", and before the word "Montana", the words "any County

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of"; Also by striking out one (on?) line seven of said section, after the word "a," and before the word "registry," the words "Territorial or State"; Also by inserting after the word "registration," in line thirteen of said section, the words "in the same County in which he originally registered, but in no other County"; Also by striking out on line fourteen of said section, the word "either"; Also by striking out in line fifteen of said section, the words, "or in any other County"; Also by striking out all of said section 11, commencing with the word "and" in line twenty of said section, down to, and including the word "vote," in line thirty-six of said section, and inserting in lieu thereof the following words, "no person shall, under any circumstance, be allowed to register or vote in any County other than the one where he actually resides at the time of his registration, or will have actually resided in for thirty (30) days before election day, and no person shall, under any circumstance be allowed to vote for any officers, State or County, or upon any question submitted, except within the County in which he is an actual resident, or will have been an actual resident of thirty (30) days preceding election day, and in which he shall be legally registered," so that the said section shall read as follows:

SECTION 11. Any registered elector moving his actual residence from one election district to another, within any County of Montana, prior to the day of the ensuing election, may apply to the registry agent before whom he has already been registered for that electoral year, at any time prior to the last day of the registration of voters, and have his name taken off the official register and receive from the registry agent a certificate, to be called a registry certificate under the signature and seal of the registry agent, showing substantially that he was on a certain day duly registered in the official register of Election District No.....in the County of....., Montana, and that his name has been erased at his own request, which certificate will entitle him to have his name registered within the period of registration in the same county in which he originally registered, but in no other County, in the same manner as other names are registered in any other election district, within the same county, for said election; provided, it shall satisfactorily appear to the registry agent receiving the certificate, and to whom application is made for the second registration, that the applicant will have resided such length of time within such County and election district prior to the next ensuing election, as is provided by law, to entitle him to vote. No person shall, under any circumstance, be allowed to register or vote in any County other than the one where he actually resides at the time of his registration, or will have actually resided in, for thirty days before election day, and no

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person shall, under any circumstance, be allowed to vote for any officers, State or County, or upon any question submitted, except within the county in which he is an actual resident, or will have been an actual resident of thirty (30) days preceding election day, and in which he shall be legally registered.

That Section 14 of the said above referred to Act be, and the same is, hereby amended by striking out on line 6 of said section, after the word "vote" on said line, up to and including the word "act" on line 8 of said section, the following words: "or unless he produces and surrenders a county registry certificate, or a Territorial or State registry certificate as provided in section 2 and 11 of this Act." So that the said section shall read as follows:

SECTION 14. No person shall be entitled to vote at any election mentioned in this Act, except as otherwise provided in this Act, unless his name shall, on the day of election, appear in the "check lists" or copies of the official register furnished by the registry agents to the judges of election, at the election precinct at which he offers to vote, and the fact that his name so appears in the "check lists," and in the copy of the official register in the possession of the judges of election, shall be prima facie evidence of his right to vote; provided, that when the judges of election shall have good reason to believe, or when they shall be informed by a qualified elector that the person offering to vote is not the person who was so registered in that name, the vote of such person shall not be received until he shall have proved his identity as the person who was registered in that name.

That said Act, hereinbefore referred to, is hereby amended by striking out the whole of section 17 of said Act. That said Act is hereby amended by striking out the whole of section 18 of said Act.

All acts and parts of acts in conflict with this Act are hereby repealed.

This Act shall take effect from and after its passage and approval.

APPROVED Mch. 8, 1893.

An Act to Provide the Conditions Upon Which Foreign Corporations May Do Business in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Before any foreign corporation shall begin to carry on business in this State, it shall, by its certificate, under the hand of its president and seal of such company, filed in the office of the Secretary of State, designate an agent, who shall be a citizen of this State,

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upon whom service of summons, and other process may be made. Such certificate shall also state the principal place of business of such corporation in this State. Service upon such agent shall be sufficient to give jurisdiction over such corporation to any of the Courts of this State.

SECTION 2. If any such foreign corporation shall fail to comply with the provisions of the foregoing section, all its contracts with citizens of this State shall be void as to the corporation, and no Court of this State shall enforce the same in favor of the corporation.

SECTION 3. Any foreign corporation that has heretofore engaged in business or made contracts in this State, may, within ninety days from the passage of this Act, file such certificate with the Secretary of State; and thereupon all their acts and contracts done and made before this Act goes into effect are hereby declared as if said certificate had been filed before they began business in the State.

SECTION 4. Chapter XXIV, Compiled Statutes of the State of Montana, and all laws and parts of laws in conflict herewith are hereby repealed.

APPROVED Mch. 8, 1893.

An Act Entitled an Act to Amend Section 513 of the Fifth Division, General Laws, of the State of Montana, Chapter 26.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 513 of the Fifth Division, General Laws of the State of Montana, Chapter 26, entitled Assessment upon the stock of corporations, be amended so as to read as follows:

SECTION 513. Any corporation heretofore formed under the laws of this State, may, by and with the consent of the stockholders holding two-thirds of the stock of the company, in writing, spread upon the records of such corporation, render its stock assessable, under the provisions of this chapter. The Board of Trustees of any corporation, heretofore formed under the laws of this State, where such corporation desires to avail itself of the provisions of this chapter, shall file and have recorded in the office of the Secretary of State and of the County Clerk and Recorder, where the original articles of incorporation were filed a certificate, duly acknowled as provided in cases of articles of incorporation, stating that the stock has been rendered assessable, and thereafter the stock of such corporation shall be liable to assessments, as provided in this chapter.

APPROVED Mch. 7, 1893.

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An Act Authorizing Corporations to Change Their Corporate Names.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the name of any corporation now organized and existing or which may hereafter be organized under any of the Statutes of this State relating to corporations, may be altered, changed or amended by a vote of a majority of the stockholders of such corporation duly assembled at any regular meeting or at any special meeting duly called for that purpose.

SECTION 2. Whenever the name of a corporation is changed, altered or amended under the provisions of this Act it shall be the duty of the secretary thereof to certify the same for record to the Secretary of State and to the County Clerk of the County wherein the principal place of business of such corporation is situated.

SECTION 3. Nothing in this Act contained shall impair or affect any liability or obligation of any corporation whose name is changed, altered or amended hereunder.

SECTION 4. This Act shall take effect from and after its passage.

APPROVED Mch. 2, 1893.

An Act to Provide for the Incorporation of Companies to Do the Business of Accident Insurance on the Assessment Plan, and to Control Such Companies of This State and of Other States Doing Business in This State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Incorporation. Nine or more persons may become a corporation for the purpose of transacting the business of accident insurance upon the assessment plan, by filing in the office of the Secretary of State, a declaration signed by each of them, and duly acknowledged, setting forth their intention to form such a corporation, the name of the proposed corporation, the place where its principal office shall be located in the State, the mode in which its corporate powers are to be exercised, and of electing directors, or other persons, by whatsoever name or title designated, who are to have and exercise the general control and management of its affairs, and its funds, and a majority of whom shall be citizens of this State, which election shall be in the manner prescribed by its by-laws. Such declaration shall have endorsed thereon or annexed thereto, and as a part thereof, the sworn statement of three such persons, that at least

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five hundred persons eligible under the proposed laws of the corporation to be assured therein have, in good faith, made application in writing for such an insurance. If all the requirements of this Act have been complied with, the State Auditor shall file such declaration and record it with the certificate of the Attorney General, in a book to be kept for that purpose, and deliver to the corporation a certified copy of the papers so filed and recorded, with his license, in writing, to the corporation to engage in the business proposed in the declaration, which certified copy and license shall be filed in the office of the Clerk of the County where the office of the corporation is to be located. Such corporation shall not commence the business of insurance until at least five hundred persons have subscribed in writing to be insured therein in the aggregate amount of at least five hundred thousand dollars, and have each paid in one per cent. on the amount of the insurance severally subscribed for in cash, and the same is deposited in bank to the credit of the indemnity fund, to be held in trust for the benefit of the insured or their beneficiaries; and the State Auditor shall have further certified that it has complied with the provisions of this Act, and is authorized to transact business.

SECTION 2. Corporations subject to this Act.—Any corporation, association or society, which issues any certificate, policy, or other contract whereby upon the death or other physical disability of the assured thereunder resulting from accidental injuries, any benefit is to accrue to the assured or to his legal representatives or to the beneficiaries designated by him, which benefit, the accumulation of reserve or emergency funds and the expenses of the management and prosecution of the business, are provided for by payments to be made, either at periods named in the contract or upon assessment as required by persons holding similar contracts, and wherein the assured's liability to contribute to the payments of benefits accrued or to accrue is not limited to a fixed sum, shall be deemed to be engaged in the business of accident insurance upon the assessment plan, and the business involving the issuance of such contracts shall be carried on in this State only by duly organized and authorized corporations, which shall be subject only to the provisions and requirements of this Act. Nothing contained in this Act shall be construed to apply to secret or fraternal societies, lodges, or councils now doing business in this State, which conduct their business and secure members on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges, or councils, and which are under the supervision of a grand or supreme body, nor to any association organized solely for benevolent

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purposes and not for profit, and which do not employ paid agents in soliciting business.

SECTION 3. Re-incorporation of existing Companies.—Any existing domestic corporation, transacting the business of accident insurance upon the assessment plan, may re-incorporate under the provisions of this Act, under its existing corporate name, by filing with the Secretary of State the declaration required by this Act, signed and duly acknowledged by a majority of its Board of Directors, with a statement in like manner signed and acknowledged by them that such corporation has accumulated the fund required by this act of corporations formed hereunder, and that the same is deposited in bank or trust company, to the credit of the indemnity fund, to be held in trust for the benefit of the assured or their beneficiaries, and the certificate of the Attorney General of the State, whereupon the Secretary of State shall record and deliver to such corporation a certified copy of such declaration and of such certificate, together with his license to transact business, and upon filing the same in the office of the Clerk of the County wherein its principal office is located, the same shall thereupon be deemed to be incorporated under the provisions of this Act. It shall not be obligatory upon any such existing corporation to re-incorporate hereunder, and any such domestic corporation may continue to exercise all the rights, powers, and privileges not inconsistent with this Act pursuant to its articles of association or incorporation, the same as if re-incorporated under this Act.

SECTION 4. Payment of maximum amount of policy.—Every policy or certificate hereafter issued by any corporation doing business under this Act and promising a payment to be made upon a contingency of death or disablement by accident, shall specify the sum of money which it promises to pay upon the happening of each contingency insured against, and the number of days, after satisfactory proof of the happening of such contingency on which payment shall be made. Upon the occurrence of such contingency, unless the contract shall have been avoided (voided?) by fraud or by breach of its conditions, the corporation shall be obligated to the insured or his beneficiaries for such payment at the time and to the maximum amount, specified in the policy or certificate for such contingency. If the State Auditor shall be satisfied upon investigation that any such corporation has refused or failed to make such payment for thirty days after it became due, and after proper demand, he shall notify the corporation, to issue no new policies or certificates until such indebtedness is fully paid, and no officer or agent of the corporation shall make, sign or issue any policy or certificate of insurance when such notice is in force.

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SECTION 5. The reserve or emergency fund.

Every such corporation, association, or society shall accumulate and maintain a reserve or emergency fund of at least five thousand dollars, such fund if not already accumulated, shall be accumulated by every such existing corporation, association or society, within six months from the time this Act takes effect, and by every corporation, association or society organized under this Act within six months of the completion of its organization and the receipt of its certificate of authority to transact business in this State, and every corporation subject to the provisions of this Act shall add to such emergency fund thereafter, two and one-half per cent. of the amount realized from every premium, assessment or periodical call until such fund shall be equal to the amount of two dollars for every five thousand dollars of insurance in force. Such emergency fund or any part thereof may be used for the payment of death and indemnity claims, provided that if the amount of such fund be thereby reduced below the amount contemplated in this Act the amount by which such fund is reduced be made up and restored within six months thereafter. Such fund may be held in cash, or invested in the same class of securities required by law for the investment of funds by insurance corporations; and nothing herein contained shall prevent the creation and accumulation of other funds in excess of the amount herein required to provide for the purposes of such corporation. This Act shall not be construed to limit the accumulation of a reserve or emergency fund by any corporation, association or society subject to the provisions hereof, where such fund and its accretions are for the benefit or protection of the assured, their legal representatives or beneficiaries. Any such corporation, association or society may in its discretion, through its officers or directors, deposit with the Auditor such securities and for such amounts as may be approved by him. Such deposit shall be received and held by the Auditor for the sole benefit of the assured in such corporations, and subject to the provisions of such deed of trust as shall be approved by the Auditor and accepted by him from the officers or directors of the corporation; but the deposits with the insurance department, and all other investments of reserve funds shall be made in the same class of securities as are required by law for the investment of funds by other insurance corporations.

SECTION 6. Transfer of Risks. No such corporation, association, or society organized, under the laws of this State shall transfer its risks to or re-insure them in any other corporation unless the contract or transfer or re-insurance is first submitted to and approved by a two-thirds vote of a meeting of the policy or certificate holders of

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such corporation called to consider the same, of which meeting a written or printed notice shall be mailed to each policy or certificate holder at least thirty days before the day fixed for such meeting. Such vote of approval of a contract of re-insurance or transfer shall act as a dissolution of the corporation, and all liability upon its certificates shall cease at the expiration of five days following such vote, but its officers may thereafter perform any act necessary to close its affairs.

No such corporation, association or society organized under the laws of this State shall transfer its risks or assets or any part thereof to, or re-insure its risks or any part thereof in, any insurance corporation or association of any other State or country which is not, at the time of such transfer or re-insurance, authorized to do business in this State under the laws thereof.

SECTION 7. Visitation by the Auditor. Proceedings to restrain corporations from doing business. All corporations, associations, and societies to which this Act is applicable, with their books papers and vouchers, shall be subject to visitation and inspection by the State Auditor or by such person as he may designate. The Auditor may address any enquiries to any such corporation, association or society in relation to its doings or condition or any other matter, connected with its transactions relative to the business contemplated by this Act. All officers of such corporation, association or society shall promptly reply in writing to all such inquiries, under the oath of its president, secretary, or other officers if required.

When the Auditor, on investigation, shall be satisfied that any corporation organized under the laws of this State, or doing business in this State of the character defined in this Act is insolvent because of matured death claims or other obligations due and unpaid, exceeding its assets and death and disability premiums, assessments or periodical payments called or in process of collection, or has exceeded its powers, failed to comply with any provisions of this Act, or is conducting business fraudulently, he shall report the facts to the Attorney General, who, if he shall be of the opinion that the facts require such action, must thereupon apply to the district Court, at a special term thereof, within the judicial district in which the principal office of such corporation within this State is located, for an order requiring the officers of such corporation, to show cause, at a reasonable time and place within such district, why such corporation should not be restrained from continuing to transact business, with power to the Court to adjourn the hearing thereon from time to time not exceeding sixty days in all.

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SECTION 8. Hearing thereon.

Such corporation, association, or society shall be entitled to be heard, and to a trial by jury of the facts stated in the report, if the same shall be traversed and to examine, papers & witnesses under oath in the usual mode of trials of actions, if the trial is by jury the Court shall submit to the jury specific request to find covering the matters in issue separately, and the jury shall return a special verdict on each question submitted and if by such verdict it shall be found that the corporation is insolvent because of matured death claims, or other obligations due and unpaid, exceeding its assets as hereinbefore provided. The Court may render judgment that it and each officer thereof be perpetually enjoined from exercising any corporate rights, privileges or franchises of such corporation and that it be dissolved, and that a Receiver be appointed, and an account taken and an equitable distribution of its property, including all deposits with public officers, among its creditors and policy holders be made, if no charge of insolvency be made in such report, or if made be not established by the verdict of the jury, but it shall be found by such verdict that the corporation has exceeded its corporate powers or failed to comply with any provision of this Act, or has conducted its business unlawfully, the Court may make and enter a judgment enjoining and restraining it from the commission of such acts, or such of them as the Court may determine, and in case of failure to desist therefrom within the time to be specified in such judgment, that the corporation be dissolved.

SECTION 9. Foreign corporations.

Any corporation organized under authority of another State or government to issue, or which is engaged in the business of issuing policies or certificates of insurance on the assessment plan,—as a condition precedent to transacting business in this State shall deposit with the Secretary of State a certified copy of its charter, a statement under oath of its president and secretary in the form by the Auditor required of its business during the year ending on the thirty-first day of December immediately preceding; a certificate under oath of its president and secretary that it is paying and for the twelve months then next preceding has paid the maximum amount named in its policies or certificates in full; a copy of its policy or certificate and application which must show that the liability of the assured to contribute to the payment of benefit is not limited to a fixed sum; a certificate from the proper authority of its home State, that corporations of this State, engaged according to the provisions of this Act in accident insurance on the assessment plan are, upon compliance of the laws of such

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State, legally entitled to do business in such State; that such corporation is properly authorize (authorized?) to transact business in its own State, and evidence satisfactory to the Auditor that such corporation has accumulated and maintains a reserve or emergency fund equal to that required of similar corporations in this State, as provided in section five of this Act, that such accumulation is permitted by the law of its corporation and is for the benefit of policy or certificate holders only and is invested as authorized under the law of its incorporation. Upon the filing of such statements and continued compliance with the above requirements it shall be the duty of the Auditor to issue annually to such corporation a proper authority to transact business in this State. Such corporation shall annually thereafter report to the Auditor on or before the first day of March a complete statement of its business for the year ending December the thirty-first next preceding as provided in section 16 of this Act. The license or authority of such corporation to do business in this State shall be revoked by the Auditor whenever he is satisfied on investigation that such corporation is not paying the maximum amount named in its policies or certificates in full. Upon such revocation the Auditor shall cause notice thereof to be published in the newspaper in which the general laws are published, and no new business shall be thereafter done by it or its agents in this State. When any other State or country shall impose any license fees, taxes or penalties, upon any corporation of this State, transacting the business herein provided for which are not imposed, or which are in excess of those imposed by this Act, like license fees, taxes or penalties shall be imposed upon corporations of the same kind and their agents of such State or country doing business in this State. If the laws of such State where such company is organized will not admit companies organized in this State, or doing business under this Act, to do business in such State, then such company shall not be admitted to do business in this State. The State Auditor is authorized to place such construction upon the minor provisions of the insurance laws of other States as will in his judgment harmonize with this law when justice and equity will so warrant.

SECTION 10. Appointment of attorney. Service.

Every such corporation organized under the laws of another State or country shall before doing business in this State appoint in writing some proper person of lawful age a resident of this State to be its true and lawful attorney, upon whom all processes in any action or proceeding against it may be served; and in such writing shall agree that any lawful process against it, which is served on said attorney, shall be of the same legal force and validity as if served on the

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corporation and that the authority shall continue in force, so long as any liability remains outstanding against the corporation in this State. A copy of the writing duly certified and authenticated shall be filed in the office of the Secretary of State, and copies filed by him shall be deemed sufficient evidence thereof. Services upon such attorney shall be deemed sufficient service upon the principal. When legal process against any such corporation is served upon the attorney he shall immediately notify the corporation of such service by registered letter, prepaid directed to its Secretary; or in the case of a corporation of a foreign country to the resident manager if any in this country; and shall within two days after such service forward in the same manner a copy of the process served on him to such secretary or manager, or to any person previously designated by the corporation in writing. The plaintiff in each process so served shall pay to the attorney at the time of such service a fee of two dollars, which shall be recovered by him as a part of the taxable cost if he prevails in the suit. The attorney shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

SECTION 11. Refusal or revocation of license.

Any corporation subject to the provision of this Act the license of which is refused, or revoked may make application to the district court for an order directing the State Auditor to show cause at special term why such revocation of said license should not be set aside, or license issued. On the return of such order the issues of fact shall be put in writing and shall be tried at special term in the usual mode of trials of fact in actions unless said corporation shall request a trial by jury — if a jury trial is requested by said corporation the court shall order said case to be placed on the general term calendar for trial. If the verdict or decision shall be in favor of said corporation the court shall direct the Auditor to issue a license to said corporation forthwith.

SECTION 12. Penalties for fraudulent acts.

Any solicitor, agent, examining physician, applicant or other person, who shall knowingly or wilfully make any false or fraudulent statement or representation in or with reference for any application for insurance; or for the purpose of obtaining any money or benefit knowingly or wilfully presents or causes to be presented a false or fraudulent claim; or any proof in support of such a claim for the payment of the loss upon a contract of insurance issued by any corporation incorporated or doing business under the provisions of this Act; or prepares, makes or subscribes a false or fraudulent account, certificate, affidavit of proof of loss or other document or writing

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with intent that the same may be presented or used in support of such a claim, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than two hundred and fifty dollars or more than one thousand dollars, or by imprisonment in the county jail for not less than three months, or more than six months, or both such fine and imprisonment at the discretion of the Court.

SECTION 13. Change of beneficiaries.

Membership in any such corporation shall give to any policy or certificate holder thereof the right at any time with the consent of such corporation to make a change in his payee or beneficiary or beneficiaries, without requiring the consent of such payee or beneficiaries.

SECTION 14. Exemption from execution.

The money or benefit provided or rendered by any corporation authorized to do business under this Act shall be exempt from execution and shall not be liable to attachment by trustee or to be seized, taken or appropriated by any legal or equitable process to pay any debt or liability of the policy or certificate holder or the beneficiary or beneficiaries of a deceased policy or certificate holder, unless such policy or certificate shall be expressly made payable to a creditor and then for no more than his claim with lawful interest.

SECTION 15. Penalties.

Any officer or agent of any such corporation, association or society, subject to any of the provisions of this Act, who shall neglect or refuse to comply with any such provision or who shall make in any report or statement any intentionally false or fraudulent statement or shall refuse to permit the State Auditor or any examiner duly authorized by him for the purpose to make an examination of its condition and business, books, papers and vouchers, or any person who shall act within this State as agent, solicitor or collector for any such corporation which shall have failed, neglected, or refused to comply with or violated any of the provisions of this Act or shall have failed or neglected to procure from the Auditor the certificate of authority required by law to transact business in this State, shall forfeit to the people of this State the sum of one hundred dollars for every such offense. If on examinatson of the condition and business of any such corporation transacting business in this State shall be prevented by any such refusal the Auditor shall revoke the certificate of authority issued to such corporation and it shall thereafter be unlawful for it to do business in this State until it shall have submitted to an examination and the auditor shall have issued to it a new certificate of authority authorizing it to continue business in this State.

SECTION 16. Annual report.

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Every such corporation, association or society doing business under this Act, shall on or before the first day of March in each year, make and file with the State Auditor a report of its affairs and operations, during the year ending on the thirty-first day of December, immediately preceding, which report shall be in lieu of all other reports required by the insurance law of this State, shall be verified by such officers of the corporation as the Auditor may require, and shall contain answer to the following questions:

1. Number of certificates or policies issued during the year or applicants admitted.
2. Amount of death indemnity effected thereby.
3. Number of death losses incurred.
4. Number of death losses paid and amount thereof.
5. Total number of indemnity claims paid and amount thereof.
6. Number of death and number of indemnity claims unpaid.
7. Does corporation charge annual dues or membership fees? If so, how much?
8. Total amount received and whether from assessments, annual dues, membership fees or other sources, and the disposition thereof.
9. Does corporation use moneys received for payment of claims to pay expenses in whole or in part; and if so state the amount used.
10. What is the amount of emergency fund and how invested?
11. If organized under the laws of this State, state such fact and the date of organization.
12. Number of policies in force and death insurance in force at the beginning and end of year.

Any corporation refusing or neglecting to make such report or to make payment of any of the fees required by this Act may upon the suit of the Auditor be enjoined by the Supreme Court from carrying on any business, until such report and payment shall be made and until the cost of such action be paid.

SECTION 17. Fees.

The fees for filing statements, certificates, or other documents required by this Act or for any service or Act of the Auditor shall be the same as are provided in the case of life insurance companies, and each corporation authorized to transact business under this Act shall pay on filing its application and charter thirty dollars and for each annual statement thereafter twenty dollars which shall be in lieu of all other fees for the State, county or municipal, except as provided in section ten of this Act.

SECTION 18. Proceedings to enjoin.

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No order, judgment, or decree providing for an accounting or enjoining or restraining or interfering of the prosecution of the business of any domestic insurance corporation subject to the provisions of this Act or appointing a temporary or permanent receiver thereof shall be made or granted otherwise than upon the application of the attorney general on his own motion or after his approval of a request in writing therefor, of the State Auditor, except in an action by a judgment creditor or in proceedings supplementary to execution.

SECTION 19. Regulations for conduct of business.

The trustees or directors or the persons designated in the by laws of corporations subject to the provisions of this Act, shall fix the fees, rates, and amounts of premiums, assessments or periodical calls, and the time and manner of the payment thereof, and the risk to be assumed by such corporation and the duration thereof, and may change the same from time to time as the experience of the corporation may require. An affidavit made by the officer, bookkeeper or clerk of any such corporation having charge of the mailing of notices of premiums, assessments or periodical calls, that any such notice was mailed, stating the day of mailing, shall be presumptive evidence thereof.

SECTION 20. Amendments of by laws. Quorum.

At the stated meetings for the election of officers, trustees, directors or managers of any such corporation, association or society a majority of the persons entitled to vote at such meeting shall not be necessary to constitute a quorum.

Subject to the by-laws, if any, adopted by the members of the corporation, the directors or other persons, by whatsoever title designated, who are to have and exercise the general control and management of affairs, may make necessary by-laws for the corporation and the same from time to time alter or amend.

SECTION 21. All acts or parts of acts relating to Accident Insurance Companies on the Assessment Plan in conflict herewith, are hereby repealed.

APPROVED Mch. 8, 1893.

An Act to Amend Section 586 of the Fifth Division, Compiled Statutes of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 586 of the Compiled Statutes of Montana be amended so as to read as follows:

SEC. 586. It shall not be lawful for any insurance company, asso-

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ciation, or partnership, organized or associated for any of the purposes specified in this chapter, incorporated by, or organized under, the laws of any other State, or the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of Two hundred thousand Dollars of actual paid up capital, exclusive of any assets of any such company as shall be deposited in any other States or Territories, or foreign countries, for the special benefit or security of the insured therein; and any such company desiring to transact any such business as aforesaid, by any agent or agents in this State, shall appoint one attorney in each county in which agencies are established, resident at the county seat, and shall file with the State Auditor a written instrument, duly signed and sealed, authorizing such attorney of such company to acknowledge service of process for and in behalf of such company in this State, consenting that such service of process, mesne or final, upon such attorney, shall be taken and held as valid as if served upon the company to the laws of this State, or any other Territory or State, and waiving all claim of right or error by reason of such acknowledgment or service, and also a certified copy of their charter or deed of settlement, together with a statement under the oath of the president or vice-president, or other chief officer and the sectetary of the company for which they may act, stating the name of the company and the place where located, the amount of its capital, with a detailed statement of the facts and items, as required from companies organized under the laws of this State, as per section 583 hereof; such statement shall also show to the full satisfaction of the State Auditor that said company, if organized without the United States of America, has deposited in some one of the United States or Territories a sum not less than One hundred thousand dollars for the special benefit or security of the assured therein, and shall file also a copy of the last annual report, made under any law of the State, Territory or foreign country by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired by the labilities, as stated in section 583 of this chapter, to the extent of twenty per cent. thereof while such deficiency shall continue, provided, that plate glass, accident and steam boiler insurance companies shall not be required to have a larger capital than one hundred thousand dollars actually paid up.

SEC. 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect immediately.

APPROVED Mch. 2, 1893.

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An Act to Amend an Act Entitled "An Act Concerning Savings Banks and Trusts Deposits and Security Associations".

Be it enacted by the Legislative Assembly of the State of Montana:

That Sections 532 to 541 inclusive of Chapter 28 of the Compiled Statutes be amended to read as follows:

SECTION 532. Any three or more persons who shall have associated themselves by articles of agreement, in writing as provided by law, for one or more of the purposes included under section 534 of this Article, may be incorporated under any name or title designating such business.

SECTION 533. The article of agreement shall set out:

First: The corporate name of the proposed corporation which shall not be the name of any other corporation heretofore incorporated in this State for similar purposes, or an imitation of such name.

Second: The name of the city or town and county in which the principal office of the corporation is to be located.

Third: The amount of the capital stock of the corporation authorized by the articles of agreement, the number of shares into which it is divided, the amount of capital stock actually subscribed in good faith at the time of the filing of such article and said articles shall further state that one-half of the capital stock so subscribed has been actually paid up in lawful money of the United States, and is in the custody of the person (persons?) named as the first Board of Directors or managers, Provided however, that no company organized under this Act shall begin to do business until one hundred thousand dollars in cash has been actually paid in as aforesaid.

Fourth: The names and places of residence of the several shareholders, and the number of shares subscribed by each.

Fifth. The number of the board of directors or managers, and the names of those agreed upon for the first year.

Sixth. The number of years the corporation is to continue, which in no case shall exceed fifty years.

Seventh. The purposes for which the association or company is formed.

The articles of agreement shall be signed and acknowledged by the parties thereto, and shall be filed in the office of the Secretary of State, and a duplicate thereof recorded in the office of the Recorder of Deeds of the county in which the corporation has its principal place of business.

The Secretary of State shall thereupon give a certificate setting forth that such corporation has been duly organized, and the amount

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of its authorized and subscribed capital; and such certificate shall be taken by all Courts of this State as evidence of the corporate existence of such corporation. The persons so acknowledging such article of association, and their associates and successors shall, for the period not to exceed fifty years next succeeding the issuing of such certificates by the Secretary of State be a body corporate; and by such name they and their successors shall be entitled to have, possess and enjoy all the rights and privileges, conferred by law upon corporations, subject to the provisions of this article.

SECTION 534. Corporations may be created under this article for any one or more of the following purposes:

First: To receive moneys in trust and to accumulate the same at such rates of interest as may be obtained or agreed on, or to allow such interest thereon as may be agreed upon.

Second: To accept and execute all such trusts, and perform such duties of every description, as may be committed to them by any person or persons whatsoever, or any corporations, or may be committed or transferred to them by order of any of the Courts of Record in this State or any other State, or of the United States.

Third: To take and accept by grant, assignment, transfer, devise or bequest, and hold any real or personal estate or trust created in accordance with the laws of this State, or any other State or of the United States, and execute such legal trusts in regard to the same, on such terms as may be declared established or agreed upon in regard thereto, or to execute or guarantee any bond or bonds required by law to be given in any proceedings in law or equity in any of the Courts of this State or other State, or of the United States.

Fourth. To act as agent for the investment of money for other persons or corporations, and as agent for persons and corporations, for the purpose of issuing, registering, transferring or countersigning the certificates of stock, bonds or other evidence of debt of any corporation, association, municipality, State or public authority on such terms as may be agreed upon.

Fifth. To accept from and execute trusts for married women in respect to their separate property, whether real or personal, and act as agents for them in the management of such property, and generally to have and exercise such powers as are usually had and exercised by trust companies.

Sixth. To act as trustee, assignee, or receiver in all cases where it shall be lawful for any court of record, officer, corporation or person to appoint a trustee, assignee or receiver, and to be appointed, commissioned, and act as administrator of any estate, executor of any last

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will and testament of any deceased person and as guardian of the person and estate of any minor or minors, or of the estate of any lunatic, imbecile, spendthrift, habitual drunkard, or other persons disqualified or unable from any cause to manage their estate.

Seventh. To guarantee the fidelity and diligent performance of the duty of persons holding public or private trust and to certify and guarantee, title to real estate.

Eighth. To loan money upon real estate and collateral security and execute and issue its notes, debentures, payable at a future date; and to pledge its mortgages upon real estate and other securities as security therefore.

Ninth. To buy and sell government, State, county, municipal and other bonds, and all kinds of negotiable, non-negotiable and commercial paper, stocks and other investment securities.

Tenth. To become endorser and surety and to secure indorsers and securities (sureties?) for a compensation upon such terms and conditions as shall be agreed upon by the trustees of such corporation.

Eleventh. To take and receive from any individual or corporation on deposit for safe keeping and storage, gold and silver plate, jewelry, stocks, and securities and other valuable and personal property, and to collect coupons, interest and dividends on said above described securities, and to rent out the use of the safes and other receptacles on their premises upon such terms, and for such compensation as may be agreed upon.

SECTION 535. The amount of capital stock actually subscribed of any corporation, organized under this article shall not be less than one hundred thousand dollars, and the amount of the capital stock authorized by such articles shall not be more than ten million of dollars. The property and business of the corporation shall be controlled and managed by directors, not less than three or more than twenty-five in number, who shall respectively be stockholders of such corporation, and a majority of whom shall be bona fide citizens of this State to be elected by ballot as provided by law by the shareholders of such corporation for one year, if the number of directors of such corporation does not exceed five, at such time, and place as shall be directed by the by-laws of such corporation, of which time and place at least two weeks' notice shall be published in some newspaper at least once a week in the city or county in which the corporation is located, and if there be no newspaper published in such county, then in any newspaper published in the State, which circulates in the locality where such corporation is located. Such election shall be made by such of the shareholders as shall attend in person, or by proxy in writing. In

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case the election shall not be made on the day named, the said corporation shall not thereby be dissolved, but an election day may be had at any other time, agreeable to the by-laws of said corporation; and the persons so elected, shall hold their office until others are elected and qualified. If the number of directors of such corporation named in the articles of association, shall exceed five in number, they shall as soon as may be after the organization, divide themselves by ballot into three classes of equal number as near as may be designated, the first, second and third class, of which the first class shall remain in office one year, the second class two years, and the third class three years, and at each annual election conducted in the manner hereinbefore designated, directors shall be elected for the term of three years to fill the vacancies created by the retiring class. In case of death or resignation of one or more of said directors, the survivors shall fill the vacancy until the next election.

SECTION 536. Such a corporation shall own only such real estate as may be required for the transaction of their business, and such as they may acquire in the enforcement and collection of debts and liabilities due them. Dividends of the profits of the corporation may be declared by the trustees or directors thereof every six months, or oftener, as the directors may elect; but no such dividends shall be made and paid to stockholders while such corporation is in an insolvent condition, nor shall any dividends be declared which would render such corporation insolvent; if the directors of such corporation shall knowingly declare and pay any dividends when the corporation is insolvent, or any dividends the payment of which would render it insolvent, they shall be jointly and severally liable for all debts of the corporation then existing and for all that shall thereafter be contracted while they shall respectively continue in office.

SECTION 537. The trustees of the corporation shall keep correct account of their transactions, and have full statements of the condition of affairs of such corporation made out and exhibited to the stockholders as often as once in each year, at least ten days before the day of election. The books and all records of the proceedings of such corporation shall at all times during their hours of business be open for inspection and examination to all stockholders and to the Auditor of this State or to such person or persons as the Legislative Assembly of said State or the State Auditor shall designate or appoint as agent for this purpose. Every association shall make a report of its condition to the State Auditor on the first Monday of each January, April, July, and October, and at such other times as said Auditor may call for it, under the oath of its President or Treasurer, attested by a

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majority of the directors, showing in detail its liabilities and assets, and specifying its investments under heads of loans on mortgages, loans on collateral security, loans on personal security, bonds and stocks, deposits in bank and cash on hand. An officer or clerk of such association who shall wilfully make a false oath or affidavit relative to the financial condition of such association shall be deemed guilty of perjury, and upon conviction thereof, shall be punished accordingly.

SECTION 538. No person holding stock in the corporation as executor, administrator, guardian or trustee, and no person holding such stock or collateral security shall be personally subject to any liability as stockholder in such corporation; but the person pledging such stock shall be considered as holding the same and shall be liable as a stockholder accordingly. And the estate and funds in the hands of such executors, administrators, guardians or trustees shall be liable in like manner and to the same extent as testator or intestator (intestate?) or the ward of the person interested in such trust fund would have been if he had been living and competent to act and hold the same stock in his own name. Every such executor, administrator, guardian or trustee shall represent the shares of the stock in his hands at all meetings of the corporation, and may vote accordingly as a shareholder; and every person who shall pledge his stock as aforesaid, may nevertheless represent the same at all meetings, and may vote accordingly as a shareholder.

SECTION 539. The rights of any corporation heretofore organized under the Act hereby amended shall not be affected by this Act: but any such company, may at any regular meeting of its stockholders, by a resolution passed by a majority thereof, avail itself of the benefits of this Act, and any such company, whether heretofore or hereafter organized for any of the purposes mentioned herein, may increase or diminish its capital stock by complying with the provisions of this law, and may also extend its business to any other purpose authorized by this Act, subject to the provisions and liabilities thereof.

SECTION 540. Whenever any corporation shall desire to call a meeting of its stockholders for the purpose of availing itself of the provisions and privileges of this article, or for increasing or diminishing its capital stock, or for extending or changing its business, it shall be the duty of the directors to publish a notice signed by at least a majority of them, in a newspaper in the county at least twenty days, and to deposit a written or printed copy in the post office, postage prepaid, addressed to each stockholder at his usual place of residence, at least twenty days previous to the day fixed upon for holding such

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meeting, specifying the object of the meeting, the time and place, when and where such meeting shall be held, and the amount to which it shall be extended or changed. An affirmative vote of the persons holding two-thirds in value of all the shares of stock shall be necessary to increase or diminish the amount of its capital stock or to extend or change its business as aforesaid, or to enable the corporation to avail itself of the provisions of this article. If at any time and place specified in the notice provided for it (in?) the preceding section, stockholders shall appear in person or by proxy in number representing not less than two-thirds of all the shares of stock of the corporation; they shall organize by choosing one of the directors chairman of the meeting and a suitable person for secretary, and proceed to a vote of those present in person or by proxy; And if on canvassing the vote, it shall appear that the sufficient number of votes has been given in favor of increasing or diminishing the amount of capital stock or of extending or changing its business as aforesaid, or availing itself of the privileges and provisions of this article, a statement of the proceedings showing a compliance with the provisions of this article,—the amount of capital stock actually paid in, the business to which it is extended or changed, the whole amount of assets and liabilities of the corporation and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman, and be countersigned by the Secretary, and such statement shall be acknowledged by the chairman and recorder (recorded?) as provided in section 533, and a certified copy of such recorded instrument shall be filed in the office of the Secretary of State, who shall thereupon issue a certificate that such corporations has (have?) compiled with the law made and provided for the increase or decrease of capital stock as the case may be, and at the amount to which such stock is increased or decreased; and such a certificate shall be taken in all courts of the State as evidence of such increase or decrease of stock; and thereupon the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid, and the corporation shall be entitled to the privileges and provisions and be subject to the liabilities of this article.

SEC. 541. The property of the corporation organized under this Act shall be assessed for taxes in the same manner as the property of National Banks and no other. All acts and parts of acts in conflict with this Act be and the same are hereby repealed.

APPROVED Mch. 8, 1893.

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An Act to Amend Sections 446, 467, 468 and 469 of Chapter XXV of the Fifth Division of the Compiled Statutes of Montana of 1887 in Relation to the Term of Existence of Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 446 of Chapter XXV of the Fifth Division of the Compiled Statutes of Montana of 1887 be, and the same is hereby amended so as to read as follows:

SECTION 446. At any time hereafter, any three or more persons who may desire to form a Company for the purpose of carrying on any kind of manufacturing, mining, mechanical, or chemical business; of digging ditches, of building flumes, or running tunnels; of purchasing, holding, developing, improving, using, leasing, selling, conveying, or otherwise disposing of water powers and the sites thereof and lands necessary or useful therefor, or for the industries and habitations arising or growing up, or to arise or grow up, in connection with or about the same; of purchasing, holding, laying out, platting, developing, leasing, selling, dealing in, conveying or otherwise using or disposing of town sites or towns, or the lots, blocks or subdivisions thereof, or lots, blocks or subdivisions in any town, village or city; or of carrying on any other branch of business designed to aid in the industrial or productive interests of the country and the developments thereof, or of one or more of the aforesaid branches of business; may make, sign and acknowledge before some officer competent to take acknowledgments of deeds, and file in the office of the Clerk of the County in which the business of the Company shall be carried, on, and a duplicate thereof in the office of the Secretary of the State, a certificate in writing in which shall be stated the corporate name of said Company and the object or objects for which the Company shall be formed, the amount of the capital stock of said Company, the term of its existence, not exceeding forty years, the number of shares of which the said stock shall consist, the number of trustees, and their names, who shall manage the concerns of the said Company for the first three months, and the name of the city, town or locality and the county in which the operations of said Company shall be carried on.

SECTION 2. That section 467 of the said Chapter XXV be, and the same is hereby amended so as to read as follows:

SECTION 467. Any corporation or company heretofore formed, either by special act or under the general law, and now existing, or any company which may be formed under this Chapter, may increase or diminish its capital stock by complying with the provisions of this Chapter, to any amount which may be deemed sufficient and proper

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for the purposes of the corporation, and may also extend its business to any other branch named in section 446 of this Chapter and may also extend the term of its existence, subject to the provisions and liabilities of this Chapter; Provided, however, that no corporation shall have power under this chapter to extend the term of existence for a period longer than will make the term of existence of said corporation longer in all that forty years from the date of its original incorporation; and before any corporation shall be entitled to diminish the amount of its capital stock if the amounts of its debts and liabilities shall exceed the amount of capital to which it is proposed to be reduced, such amount of debts and liabilities shall be satisfied and reduced so as not to exceed such diminished amount of capital; and any existing company heretofore formed under any special Act may come under and avail itself of the provisions of this Chapter, by complying with the following provisions, and thereupon such company, its officers and stockholders, shall be subject to all restrictions, duties and liabilities of this Chapter.

SECTION 3. That Section 468 of the said Chapter XXV be, and the same is hereby, amended so as to read as follows:

SECTION 468. Whenever any company shall decide to call a meeting of stockholders for the purpose of availing itself of the privileges of this chapter, or for increasing or diminishing the amount of its capital stock, or for extending or changing its business, or for extending the term of its existence, it shall be the duty of the trustees to publish a notice, signed by at least a majority of them, in a newspaper in the county if any shall be published therein, at least six successive weeks, and to deposit a written or printed copy thereof in the post-office, addressed to each stockholder at his usual place of residence, at least six weeks previous to the day fixed for holding such meeting, specifying the object of the meeting, the time and place when and where such meeting shall be held, and the amount to which it shall be proposed to increase or diminish the capital, and the business to which the company would be extended or changed, and the length of time for which it is proposed to extend the term of the existence of the corporation; and a vote of at least two-thirds of all the shares of stock shall be necessary for an increase or diminution of the amount of its capital stock, or the extension or change of its business, or the extension of the term of its existence as aforesaid, or to enable the company to avail itself of the provisions of this chapter.

SECTION 4. That section 469 of said Chapter XXV be, and the same is hereby amended, so as to read as follows:

SECTION 469. If at the time and place specified in the notice pro-

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vided for in the preceding sections of this chapter, stockholders shall appear in person or by proxy, in number representing not less than two-thirds of all the shares of stock of the corporation, they shall organize by choosing one of the trustees Chairman of the meeting, and also a suitable person for secretary, and proceed to a vote of those present in person or by proxy, and if on canvassing the votes, it shall appear that a sufficient number of votes have been cast in favor of increasing or diminishing the amount of the capital stock, or for extending or changing the business, or of extending the term existence of the corporation as aforesaid, or for availing itself of the privileges and provisions of this chapter, a certificate of the proceedings showing a compliance with the provisions of this Chapter, the amount of capital actually paid in, the business to which it is extended or changed, the time for which the term of the existence of the corporation is extended, the whole amount of debts and liabilities of the company, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the Chairman, and be countersigned by the Secretary, and such certificate shall be acknowledged by the chairman and filed and recorded as required by section 446 of this chapter, and when so filed and recorded the capital stock of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed, and the term of the existence of the corporation extended as in said certificate specified, and the company shall be entitled to the privileges and provisions and be subject to the liabilities of this Chapter, as the case may be.

SECTION 5. This Act shall take effect and be in force from and after its passage.

APPROVED Mch. 2, 1893.

An Act to Amend Chapter Twenty-two, Fifth Division of Compiled Statutes of Montana, Relating to Municipal Corporations and Amendments Thereto, Approved September 18, 1887 and also Amendments Thereto Approved March 14, 1889.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section three hundred and twenty-five of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

"SECTION 325. The City Council of all cities incorporated under this Act shall have the following powers:

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I. To provide by ordinance for the registration of the voters within the municipality.

II. To take a census of the inhabitants of a town or city at any time.

III. To control the finances and property of the corporation.

IV. To appropriate money for corporate purposes only, and provide for the payment of debts and expenses of the corporation.

V. To levy and collect taxes for general and special purposes on all real, personal and mixed property, within the corporation, subject to taxation under the laws of the State.

VI. To fix the amount, terms and manner of issuing and revoking licenses subject to the law of the State, and it shall be competent for the City Council to refuse licenses whenever it shall be deemed to the best interests of the City so to do.

VII. To license all pursuits, industries, professions or occupations; provided, that in no case shall the municipal authorities require any license exceeding in amount that which is required to be paid under the State law for a like pursuit or occupation when the purposes of such license is for revenue only, but cities of the first and second class shall have authority to license, regulate or prohibit all pursuits or occupations, whether licensed or not by the State and not prohibited by the laws of Montana, as a police regulation in such an amount as shall be deemed proper by such municipal authorities.

VIII. To erect all needful buildings for the use of the city or town.

IX. To contract an indebtedness on behalf of the city or town, upon the credit thereof, by borrowing money or issuing bonds for the following purposes, to-wit: Erecting public buildings, sewers, bridges, water works, supplying the city or town with water by contract, the purchase of fire apparatus, the construction or purchase of canals or ditches for supplying the city or town with water. The total amount of indebtedness authorized to be contracted in any form must not at any time exceed three per centum of the total assessed valuation of the taxable property of the city or town, as ascertained by the last assessment for State and county taxes. No money must be borrowed or bonds issued for any of the purposes mentioned in this clause until the proposition has first been submitted to a vote of the qualified electors of the city or town, and a majority vote cast in favor thereof; provided, that an additional indebtedness of not to exceed four per centum may be incurred when necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own or control said water supply and devote the revenues derived therefrom

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to the payment of the debt; and, provided further, that the above limit of three per centum shall not be extended unless the question shall have been submitted to a vote of the tax payers affected thereby, and carried in the affirmative by a vote of not less than three-fourths of such tax payers who vote at such election.

X. To lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks and public grounds, and vacate the same. To provide for lighting and cleaning the streets, alleys, avenues; to regulate the use of sidewalks and require the owners of the premises adjoining to keep the same free from snow or other obstructions, to regulate the depositing of ashes, garbage or other offensive matter, in any street, alley or on public grounds; to provide for and regulate street crossings, curbs and gutters, to regulate and prevent the use or obstruction of streets, sidewalks and public grounds by signs, telegraph poles, posting hand bills and advertisements.

XI. The Mayor and council of any city or town governed by this Act shall have power to establish by ordinance the grades of any street, alley or avenue within the city or town, and when the grade of any street, avenue or alley shall have been so established, such grade shall not be changed except by a vote of two-thirds of the council, and not then until the damages to property owners, which may be caused by such changes of grade shall have been assessed and determined by three disinterested appraisers, who shall be appointed by the mayor and confirmed by the council for that purpose, who shall make such appraisement, taking into consideration the benefits, if any, to such property, and file their report with the City Clerk within ten days after receiving notice of their appointment, and the amount of damages so assessed shall be tendered to such property owners, or their agents, before any such change of grade shall be made.

XII. To regulate and prohibit traffic and sales upon the streets, sidewalks and public grounds.

XIII. To regulate or prohibit the fast driving of horses, animals or vehicles within the corporate limits.

XIV. To regulate and control the laying of railroad tracks and prohibit the use of engines and locomotives propelled by steam, or to regulate the speed thereof when used.

XV. The Mayor and council shall have power to require the lighting of any railway within the city or town, in such manner as they shall prescribe by ordinance, and may fix and determine the number, style and size of the lamp posts, burners, lamps, candle power and all other fixture and apparatus necessary for such lighting,

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and the points of location for such lamp posts and lights, and in case the company or persons owning or operating such railway shall fail to comply with such requirements, the council may cause the same to be done, and may assess the expense thereof against such Company, person or persons, and the same shall constitute a lien on any real estate belonging to such company, person or persons, and lying within such city or town, and may be collected in the same manner as taxes for general purposes. And the council may provide penalties for the non-compliance with the provisions of any ordinance passed to regulate the matters enumerated in this section.

XVI. To license and authorize the construction and operation of street railroads and require them to conform to the grade of the streets as the same are or may be established.

XVII. To regulate the numbering of houses and lots and to change the same.

XVIII. To provide for the cleaning of waters, water courses and streams within the city, or to alter, straighten or widen the same, and the draining and filling in of ponds or wells on private property when necessary to the public health or public welfare.

XIX. To license, tax and regulate auctioneers, peddlers, pawnbrokers, hackmen, omnibuses, drivers, porters, saloons, billiard tables, ten-pin alleys, shooting galleries, shows, circuses, theatrical performances and places of amusement within the limits of the corporation; provided, that the power of license, tax and regulate circuses, and like shows or performances, shall extend three miles beyond the limits of the corporation.

XX. To regulate or prohibit dance houses, hurdy-gurdy houses, houses of prostitution, houses of lewd resort, or other places by whatever name called of public resort where females act as waitresses or servants, and where spirituous or vinuous liquors are retailed.

XXI. To suppress and punish all fraudulent devices and practices for the purpose of obtaining money or property, and to prohibit the sale or exhibition of immoral publications, prints, pictures or illustrations.

XXII. To establish markets and market houses, and provide for the supervision and use thereof.

XXIII. To regulate the sale of meats, poultry, fish, game, butterine, oleomargarine, and other imitations of butter, lard, vegetables and other provisions, and provide for the inspection thereof.

XXIV. To regulate the inspection, weighing and measuring of wood, coal and hay within the city.

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XXV. To regulate the construction, use, repair of vaults, cisterns, hydrants, pumps, sewers and gutters.

XXVI. To prevent and punish intoxication, fights, riots, loud noises, disorderly conduct, obscenity, and acts or conduct calculated to disturb the public peace, or which is offensive to public morals within the city or town.

XXVII. For the purpose of guarding against fire they shall have power to prescribe the limits within which wooden or combustible buildings shall not be erected, placed or repaired, and to establish fire limits within the city.

XXVIII. To establish a fire department and prescribe and regulate their duties.

XXIX. To erect engine houses and provide engines and other implements for the extinguishment of fire.

XXX. To inspect chimneys, flues, fire-places, stovepipes, boilers, and when dangerous, to require the same to be removed or put in order.

XXXI. To regulate and prevent the storage or handling of gunpowder, tar, pitch, coal, oil, turpentine and to prohibit the storage of the same within three miles of the city limits.

XXXII. To regulate or prohibit the building of bondfires, the explosion of fire-works, firecrackers, torpedoes, or other pyrotechnics, within the city.

XXXIII. To prohibit and punish cruelty to animals.

XXXIV. To define and abate nuisances and to impose fines upon parties guilty of creating, continuing or suffering a nuisance to exist on the premises which they occupy or control.

XXXV. To restrain and punish vagrant, medicant (mendicant?) and persons guilty of disorderly conduct.

XXXVI. To establish and maintain a calaboose or jail, for the confinement of persons convicted of violating the ordinances of the city, and to make rules for the government of the same, and appoint a keeper thereof.

XXXVII. To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats, dogs and other animals, and to authorize the impounding and sale thereof, if found at large contrary to ordinance, and to provide for the punishment of persons allowing such animals to run at large.

XXXVIII. To license the keeping of dogs and provide for the killing or destruction thereof if found running at large without license.

XXXIX. To prevent the incumbering of streets, sidewalks, alleys

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or public grounds with carriages, wagons, lumber, firewood or other obstacles or materials.

XL. To prevent the riding or driving of animals or the drawing of vehicles of any kind on the sidewalks of the city or the doing of damage in any way to such sidewalks.

XLI. To prevent horse racing, or the immoderate riding in the streets of the city and to provide for the hitching of all animals on the street when the owner is absent.

XLII. To regulate or prohibit coasting, skating, sliding or tobogganing on the streets or alleys, or the indulgence of other amusements dangerous or annoying to the inhabitants, or having a tendency to frighten animals.

XLIII. To regulate or prohibit the location of slaughter houses, breweries, distilleries, livery stables, foundaries, (foundries?) blacksmith shops, planing mills, soap factories, tanneries, laundries, smelters, or any offensive or unwholesome trade or establishment within the limits of the corporation or within three miles thereof.

XLIV. To require the keepers and owners of pawnshops, second-hand and junk stores, to keep a record of all articles purchased or pawned to them, which record, and the articles purchased or pawned, shall be subject to the inspection of the police.

XLV. To prevent the keepers of pawnshops and second-hand stores from purchasing any article from a minor without the written consent of the parent or guardian of such minor.

XLVI. To appoint a board of health and prescribe its powers and duties.

XLVII. To establish at a suitable point without the limits of the city in case of necessity, a hospital to prevent the spread of small pox or other contagious or infectious diseases, and to regulate the control thereof, and do all other acts which may be necessary for the promotion of health, and to prevent the spread of contagious diseases within the city.

XLVIII. To establish, regulate, prohibit or to cause the removal of cemeteries within the limits of the corporation or within three miles thereof.

XLIX. To prescribe the duty of marshals, chief of police, policemen, watchmen, fire marshal and all subordinate offices created by ordinance, and to fix their compensation.

L. To pass all ordinances and make all regulations proper and necessary to carry into effect the powers hereby granted with power to impose such fines and penalties as the city council shall deem proper

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for the violation of any ordinance; provided, no fine or penalty shall exceed three hundred dollars, and no imprisonment exceed ninety days for one offence.

LI. They shall have power to erect water works and gas works within the city, or to provide by contract for their erection by other parties, and to protect the same from injury. The jurisdiction of the city for this purpose shall extend over the territory occupied by such works, and all reservoirs, streams, trenches, pipes, drains, used in the construction and operation of the same, and also over the source or stream from which the water is taken, with power to enact all ordinances and regulations necessary to carry the powers hereby conferred into effect. For this purpose the city shall be authorized to condemn private property in the manner provided by law.

LII. They shall have power to construct cisterns and reservoirs within or without the limits of the city and to provide pumps, hydrants, pipes for the purpose of conveying and distributing water to the city and its inhabitants, and to levy a just and equitable tax upon all consumers of water for the purpose of defraying the expenses of the city in procuring water.

LIII. They shall have the right and privilege of taking water in sufficient quantity for the purposes mentioned from any spring or stream; provided, that they shall obtain the consent of any person or corporation owning the same, or otherwise the same shall be condemned and damages for taking or appropriating the same shall be assessed and paid as are damages for the taking and condemnation of private property for public use, as the law now or hereafter may prescribe.

LIV. They shall have the power to levy and collect annually from each able-bodied male citizen resident of said city or town, between the ages of twenty-one and forty-five years, a poll tax not exceeding three dollars per capita; and in case of failure or refusal of any person within the prescribed age to pay said tax, to provide by ordinance that the person failing or refusing, shall work for one day on the public streets of the city.

LV. The city council or municipal authorities shall have power to fill any vacancy occurring by death, removal or resignation of any city or municipal officer, except the office of Mayor or Alderman, as hereinafter provided.

LVI. To lay off the city in suitable districts for the purpose of establishing a system of sewerage and drainage, to provide such system and regulate the construction and repairs and use of sewers and drains, and of all proper house connections and branches, and to

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provide penalties for any obstruction of or injury to any sewer or part thereof.

LVII. To regulate partition fences and party walls.

LVIII. To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and the construction of fire escapes therein.

LIX. To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the Board of County Commissioners.

LX. To require of all officers and servants elected or appointed in pursuance of this Act, bond and security for the faithful performance of their duties, as may be provided by ordinance. No officer shall become security upon the official bond of another, or for any person who is on trial before the police Court of the corporation.

LXI. To require from any officer of the city, at any time, a report in detail of the transactions in his office or any matter connected therewith.

LXII. To provide for the planting and protection of shade trees.

LXIII. The city council or municipal authorities shall have power to pass ordinances which must be consistent with this Act and the laws of this State for the purpose of carrying into effect the powers hereby conferred.

LXIV. The council shall have power to sell or dispose of or lease any property belonging to the city or town not held in trust for a specific purpose, and shall provide resolution or ordinance for such transfer by at least a two-third vote of the whole council.

LXV. To make any and all contracts to carry into effect the powers hereby granted, and to provide for the manner of executing the same.

LXVI. To punish persons for selling or using opium or any preparation of opium, or for having opium or any preparation of opium, or any implement or implements used in smoking the same in their possession, or for keeping, maintaining, visiting or contributing to the support of a room where the same is smoked, and to confiscate and destroy all such implements and materials; provided, that druggists may sell opium, or any preparation of opium, upon the prescription of any licensed or practising physician; and such physician may also keep in his office for dispensing to his patients such opium or preparation thereof.

LXVII. To provide for the sprinkling of the streets of the city or town, but in all cases the tax for the same must be a special one upon the property abutting upon the street sprinkled, and all such property

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must pay the same rate of tax per front foot within the same district.

LXIII. (LXVIII?) To make regulations authorizing the police of the city or town to make arrests of persons charged with crime without the limits of the city or town and within five miles thereof.

LXIX. To erect and organize a workhouse in or near a city or town, and any person who fails or neglects to pay any fine or costs imposed upon him by ordinance, may be committed to the workhouse until such fine is paid.

LXX. To provide by ordinance for a committee on public works from the members of the city council, to be appointed by the Mayor by and with the advice and consent of the council, and to prescribe their duties and compensation.

LXXI. To create special improvement districts within the city, designating the same by number, and to change the boundaries of such districts from time to time as the city council may deem expedient; to extend the time for payment of assessments levied for improvements made in such districts, over a period not exceeding three years; to make such assessments payable in installment, and to pay for all expenses of whatever character, incurred in making such improvements, with "special improvement warrants", which shall bear interest at not to exceed ten (10) per cent. per annum. To create by ordinance a Board of Police Commissioners to be known as the "Police Commissioners". Such Police Commissioners when created, to consist of the Mayor, the City Marshal, and three tax payers and free holders of the City, who shall have been residents thereof for at least three years, and who shall not be members of the city council while serving on such commission. They shall be appointed by the Mayor with the consent of the council. The commission shall be so constituted that not more than three shall be of the same political party. The Commission to have control of the Police Force of the city to the extent of making rules and regulations for its government, passing upon the qualifications and fitness of applicants; providing penalties for neglect for violations of rules; investigating and passing upon all charges against members of whatever character and suspending members pending final action by the council. No applications for appointments and no changes of any kind or removals or suspensions to be considered by the council except upon the report of the commission, which shall be made at least once in every month. The term of office and other duties of the commission, including compensation, not inconsistent with the provisions of this subdivision, to be defined by ordinance. It shall require a two-third vote of the council to change any order or decision of the Police Commission.

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SEC. 2. That section three hundred and thirty-three of chapter twenty-two, Fifth Division, Compiled Statutes, be amended so as to read as follows:

"SEC. 333. All ordinances, and all resolutions in the nature of ordinances, shall require for their passage a majority of the whole number constituting the Council."

SEC. 3. That section three hundred and thirty-seven of chapter twenty-two, Fifth Division, Compiled Statutes, be amended so as to read as follows:

"SEC. 337. In the passage of all ordinances and of all resolutions in the nature of ordinances the ayes and nays shall be called and recorded."

SEC. 4. That section three hundred and forty, of chapter twenty-two, Fifth Division, Compiled Statutes, be amended so as to read as follows:

SEC. 340. The annual election for city or town officers organized under this Act, shall be held on the second Monday of April, unless a different date be fixed by ordinance. The city council shall appoint the judges and clerks of election, and place or places of voting under all municipal elections, provided, that there shall be one place of voting in each ward in which the city may be divided, and electors shall vote in the ward in which they respectively reside. The qualifications of electors shall be such as are prescribed in section 318, of this Act. Elections shall be conducted in the manner prescribed by law for the election of county officers. At all annual or other elections the returns shall be made to the city council or the aldermen of any incorporated town, who are hereby authorized to canvass the vote and declare the result, and thereafter to cause to be made out, under the seal of the corporation, a certificate of election to each person elected; provided, that for all special elections, occurring within six months of the last registration of voters within the city or town, it shall not be necessary for those having registered for the last preceding election to register for such special election. And for all special elections the registry books shall be kept open for two days only, and, provided further, that in all special elections the council may determine by resolution the number of polling places which shall be opened on election day and the location thereof, and shall give due notice by publication and posting at which polling places the voters of the different wards shall cast their votes for such special election."

SECTION 5. That section three hundred and forty-three, of Chapter twenty-two, Compiled Statutes, be amended so as to read as follows:

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SECTION 343. The first common council elected as provided under section three hundred and eighteen of this Act, shall divide the city into wards for election and other purposes, having regard to population, so as to make them as nearly equal as may be; provided, that cities of the first class shall not have less than three wards nor more than ten wards, and that cities of the second class shall have not less than two wards nor more than four wards; and provided further, that all changes in the number or boundary of wards shall be by ordinance, and no new ward shall be created unless it shall contain within its boundary at least one hundred and fifty voters. At the first annual election thereafter, there shall be chosen one mayor, one police magistrate, one city attorney, one city treasurer for said city, and one alderman for each ward into which the city has been divided. The Mayor of cities of the first and second class shall serve for two years from and after the first Monday in May after said election. The police magistrate, city attorney and city treasurer shall serve for two years or until their successors are elected and qualified from and after the first Monday in May after said election. The aldermen elected from each ward at such election shall serve for two years from and after the first Monday in May after said election. Thereafter one alderman shall be elected for each ward of the city, who shall serve for two years. If any vacancy shall occur in the office of alderman by death, removal or otherwise, the same shall be filled by election, so that there may be always in the common council two members from each ward whose term of office shall expire in different years. If any vacancy shall occur in the office of city attorney, police magistrate or city treasurer, the Mayor shall fill such vacancy, subject to confirmation by the council, until the next municipal election thereafter, when such vacancy shall be filled by election."

SECTION 6. That section three hundred and forty-seven, of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

SECTION 347. In making or awarding contracts by the city council or corporate authorities the ayes and nays shall be called and recorded. It shall require a majority vote of all the members constituting the council to make or award a contract or to appoint, elect or confirm city officers."

SECTION 7. That section three hundred and forty-eight, of Chapter twenty-two, Fifth Division, Compiled Statutes of Montana, as amended by section four of an Act entitled "An Act to amend an Act relating to the formation of municipal corporations," approved March 10, 1887, be amended so as to read as follows:

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SECTION 348. At the first organization of the council of cities of the first class, the Mayor shall appoint, subject to confirmation of the city council, one city clerk, one city marshal, one chief of police, chief of the fire department, a city engineer or surveyor, and such number of policemen as the Council may order. The persons so appointed and confirmed shall serve until the first annual election thereafter; at the first meeting of the council elected at the regular annual election thereafter, the Mayor shall in like manner appoint the officers mentioned, and any other officers whose office is created by ordinance. The council shall have power to fix by ordinance the salary, emoluments or fees of all the officers whose office is created by ordinance; to prescribe their duties and provide for their suspension or removal in cases of neglect, misconduct, or derelection of duty. The method of confirmation of appointment shall be by ballot, or by calling the yeas and nays as the council may determine, Provided, that the Mayor of cities of the second class shall appoint in like manner only such officers whose office is created by ordinance.

SECTION 8. That section three hundred and fifty-seven, of Chapter twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

SECTION 357. The city marshal shall receive and be paid a salary, to be fixed by ordinance, not exceeding two hundred dollars per month. He shall execute and return all writs and processes to him directed by the police magistrate for violation of the city ordinances. He shall apprehend and arrest any person in the act of committing any offense against the laws of the State or ordinances of the city, with or without a warrant, and bring such person forthwith before the police magistrate for examination or trial. He shall attend on the sittings of the police Court. He shall report to the City Council all delinquencies, neglect of duty or official misconduct of the chief of police or policemen for the action of the council. In the discharge of his duties he shall possess like powers and be subject to like responsibilities as are constables of the counties; Provided, that he shall not have power to serve any writ or process in any civil cause or procedure, except when the city is a party thereto. He shall have charge and control of the Chief of Police, and all policemen. He shall hold his office one year from and after his appointment, unless suspended or removed. In case of suspension or removal, the Mayor may appoint, subject to confirmation by the council, a person in his stead who shall hold office for the unexpired term of the marshal so removed.

SECTION 9. That section three hundred and fifty-nine, of Chapter

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twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

SECTION 359. The chief of police under the direction of the city marshal, shall have general control of all policemen and watchmen, who shall be elected or appointed. He shall have like powers to suppress riot and disorder within the limits of the corporation as by this Act are conferred upon the city marshal. In the absence of the city marshal he shall discharge his duties. The Chief of Police with all policemen or watchmen shall be subject to suspension by the Mayor and removal by the council with full authority on the part of the Mayor to appoint others in their stead, subject to confirmation by the council.

SECTION 10. That section three hundred and sixty-one, of Chapter twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

SECTION 361. The Chief of Police of cities of the second class shall give bond in form similar to that required by law of constables. He shall, for all criminal offenses committed within the corporate limits of such city, possess the powers, enjoy the privileges and be subject to the liabilities conferred and imposed by law on constables, and be taken and included in all writs and papers addressed to constables in criminal cases and procedures. He shall execute all orders to him directed by the Mayor, and all processes directed to him by the police magistrate, and to arrest with or without process, and it shall be his duty, with reasonable diligence, to take before the police magistrate every person found in such city in a state of gross intoxication, or engaged in any disturbance of the peace, or violating any law of the State or ordinance of the city. He may command all persons present in such case to assist him therein. He shall be entitled to the same fees allowed to constables for similar services in State cases; for other services rendered the city, such compensation as the council may fix. He shall be removed for official misconduct by a two-thirds vote of the city council, approved by the Mayor.

SECTION 11. That section three hundred and sixty-two, of chapter twenty-two, Fifth Division, Compiled Statutes, be amended so as to read as follows:

SECTION 362. It shall be the duty of the chief of the fire department, under the direction of the city council, to manage and control the fire engines and all apparatus furnished by the city for the extinguishing and prevention of fires; to superintend and direct the movements of all fire companies within the city, to examine, inspect all buildings, chimneys, flues, boilers within the city, and if dangerous or

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liable to cause fire, to require the same to be put in safe condition or removed. He shall be subject to suspension by the Mayor and removal by the council, and the Mayor may appoint another in his stead, subject to confirmation by the council, who shall serve the unexpired term."

SECTION 12. That section three hundred and sixty-three, of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

SECTION 363. The city council of each incorporated city organized under this Act, shall have the right and power to abolish any of the offices specified in this Act, and which they are empowered to fill by appointment of the Mayor, or otherwise, or they may, in their discretion, consolidate two or more of the offices mentioned, and provide by ordinance for the discharge of the duties when any offices are so consolidated."

SECTION 13. That section Three hundred and sixty-seven, of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

"SECTION 367. The Mayor shall be chief executive officer of the city or town. He shall cause all ordinances to be faithfully executed. He shall, from time to time, communicate to the City Council such information, and recommend such measures as, in his opinion, may tend to the improvement of the finances, police, health, security, ornament, comfort and general prosperity of the city or town, and shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty. He shall have such jurisdiction as may be vested in him by ordinance over all places within three miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinances or regulations thereof. He shall have power to appoint all non-elective officers provided for in this Act, or those whose office may be created by ordinance, and to fill all vacancies, such appointments to be confirmed by the council. He shall have power for cause to suspend any officer elected or appointed under the provisions of this Act, except aldermen, until the next regular meeting of the city council, when he shall report all facts relating to such suspension for the action of the council, and upon a majority vote of the entire council, and the approval of the Mayor, the removal of any municipal officer shall (be?) effected. He shall have power to suppress mobs, riots and disorder within the city, and if he deems it necessary to call out the civil posse, or to call upon the Governor for the aid of the militia for these purposes. He shall supervise the conduct of all

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municipal officers and shall bring any neglect of (or?) official misconduct on their part to the notice of the city council for its action. He shall preside at all meetings of the city council and sign all warrants for the payment of money drawn on the Treasurer by order of the Council. He shall have authority by and with the consent of a majority of the members of the city council to grant pardons and to remit fines and penalties of any person convicted of violating any of the ordinances of the city. In case of tie in any vote or proceeding of the city council, he shall have the casting vote but not otherwise. He shall perform such other duties suitable to his office, as the council may from time to time require, and which are consistent with this Act and the laws of the State."

SECTION 14. That section three hundred and sixty-eight, of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

"SECTION 368. At the first meeting of the council in each year they shall proceed to elect by ballot from their number a President and Vice-President. In the absence of the Mayor the President shall preside over the meetings of the council, and during the absence of the Mayor from the city, or his inability from any cause, to discharge the duties of his office, the said President shall exercise all the powers and discharge all the duties of Mayor. In case of the absence or inability of the Mayor and President the Vice-President shall preside and discharge all the duties of said President. The President of the council or Vice-President, while performing the duties of Mayor, shall be styled the Acting Mayor, and acts performed by him while acting as Mayor aforesaid, shall have the same force and validity as if performed by the Mayor. Any Acting Mayor performing the duties of a Mayor for a period longer than sixty days shall be entitled to the salary of the Mayor. The Mayor, President and Vice-President of the council shall have the right to administer oaths and affirmations. If more than six months intervene between the time when any vacancy shall or may occur in the office of Mayor and the next annual election, the city council shall order an election for Mayor by the qualified electors of the city for the unexpired term. The notice and other requirements of this Act concerning elections in the Municipality shall be given and govern all special elections held for Mayor or Aldermen.

SECTION 15. That section Three hundred and seventy-one, of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

SECTION 371. The police magistrate shall be elected by a plurality

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of the vote of the electors residing within the limits of the incorporated city in which he is chosen. He shall hold office for two years from and after the first Monday in May after his election. He shall have exclusive jurisdiction to try and determine all actions arising under the ordinances of the city, and in addition thereto shall have the same jurisdiction conferred by law upon Justices of the Peace; provided, in no case for the violation of a city ordinance shall a trial by jury be allowed; but on appeal to the District Court the defendant in any such case shall be entitled to a trial *de novo* and by jury as a matter of right. He shall hold a Police Court that shall be open at all times from the hours of nine a. m. to six p. m. (except Sundays and legal holidays) for a trial of causes arising under the ordinances of the city. If a vacancy occurs in the office of police magistrate, or if he is temporarily absent, or incapacitated from discharging the duties of his office, the Mayor may designate in writing some Justice of the Peace residing within the city to perform the duties of police magistrate, while such incapacity continues; Provided that when the office of police magistrate becomes vacant from resignation, death, or removal from the city, then the Mayor may, with the consent of the council, appoint some person residing within the city to fill the office of police magistrate until the next municipal election. The person so appointed shall qualify the same as though elected. The person so appointed shall receive the same compensation for services during the period he has performed the duties of police magistrate as the police magistrate is by this Act, or the ordinances of the city, authorized to receive. All city officers mentioned in this Act shall be required to reside within the limits of the city during their terms of office.

SECTION 16. That section Three hundred and seventy-three, of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended by section 10 of an Act entitled "An Act to amend an Act relating to the formation of municipal corporations," approved March 10, 1887, be amended so as to read as follows:

SECTION 373. The Mayor of each incorporated city of the first class shall be entitled to receive a salary not exceeding Two Thousand Dollars ($2,000) per annum, to be fixed by ordinance, and each alderman may be allowed and paid not exceeding Five Dollars ($5.00) per diem, to be fixed by ordinance, for each day of session held by the city council; provided, no alderman shall be paid for more than five days service during any one month; and provided further, the Mayor of cities of the second class may receive a salary not exceeding Five Hundred Dollars ($500) per annum, to be fixed by ordinance, and aldermen of cities of the second class may be allowed not exceeding

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Five Dollars ($5) per diem for each day of session, to be fixed by ordinance, but no alderman shall be paid for more than two days' service during any one month, and no alderman of any city shall receive pay for any meeting unless present.

SECTION 17. That section three hundred and seventy five, of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

SECTION 375. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this Act; and to provide for the appointment of such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties unless otherwise provided for but no officer elected or appointed by the common council, or appointed by the Mayor, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this Act; and such compensation shall be fixed by resolution, and in regard to all officers created by this charter, the compensation shall be fixed within three months from the first organization and meeting of the common council. After the first year the compensation of officers shall be fixed for the fiscal year at the last regular meeting of the common council preceding the annual election, except for such officers as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office. Nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed under the provisions of this charter, shall be a party to or interested in any contract in which the city or town is interested, made while such officer is holding office."

SECTION 18. That section three hundred and eighty-three, of Chapter Twenty-two, Fifth Division, Compiled Statutes, be amended so as to read as follows:

SECTION 383. The members of the city council or aldermen of any town shall meet and organize on the first Monday in May of each year after the election. They shall hold stated meetings, and special meetings may be held either upon the call of the Mayor or at the written request of three aldermen. Notice of special meetings shall be given to each member in person, or left at their usual place of business or abode."

SECTION 19. That section three hundred and eighty-five, of Chapter twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

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SEC. 385. The corporate authority of cities shall be vested in a Mayor and in a Board of Aldermen, to be denominated the City Council, and in such other officers as are herein mentioned or authorized to be elected or appointed by the City Council or Mayor."

SECTION 20. That section three hundred and eighty-six, of Chapter twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

"SEC. 386. The corporate authorities of incorporated towns organized under this Act, shall be vested in a Mayor and six Aldermen. They shall be elected by the qualified voters of the town as prescribed by this Act, and when elected and organized, they may appoint one of their number Recorder of the town."

SECTION 21. That section three hundred and eighty-seven, of Chapter twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

"SEC. 387. The Board of Aldermen of any incorporated town organized under this Act, shall provide by ordinance for the election or appointment of a Treasurer, Town Marshal City Attorney, one or more policemen, and such other officers as they may deem necessary for the good government of the town. They shall prescribe their duties, and fix their compensation. The election or appointment of officers shall be at the first regular meeting after the election of the Mayor or Aldermen, provided for by this Act. The persons so elected or appointed shall hold office until their successors are appointed or qualified, unless sooner removed by the Mayor or Board of Aldermen."

SEC. 22. That section three hundred and eighty-eight, of Chapter twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

"SEC. 388. All officers elected by the Board of Aldermen of any incorporated town, or appointed by the Mayor, may be suspended or removed by a vote of a majority of the aldermen and approved by the Mayor. In all cases of a tie vote the Mayor shall have the casting vote, but not otherwise. The removal of the Mayor or any alderman from the town in which he may have been elected shall work a vacancy in his office, and the remaining members of the Board shall fill such vacancy by the election of some qualified person until the next municipal election.

SEC. 23. That section four hundred and twenty-eight, of Chapter Twenty-two, Fifth Division, Compiled Statutes of Montana, be amended so as to read as follows:

"SEC. 428. For the purpose of payment of expenses, including all damages and costs incurred in taking of private property, and of

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making any improvement mentioned in the preceding sections, the city council may by resolution levy and assess the whole or any part not less than half of such expenses as a tax upon such property as they shall determine is specifically benefitted thereby, making therein a list thereof, in which shall be described every lot or parcel of land assessed, with the name of the owner thereof, if known, and the amount levied therein set opposite, such resolution signed by the Mayor and Clerk shall be published once in each week for two weeks in a newspaper published regularly in such city, or if there be no such newspaper published regularly in such city, three copies thereof shall be conspicuously posted by the clerk and a notice therewith that at a certain time therein stated the council will meet at their regular place of meeting and hear all objections which may be made to such assessment or any part thereof, at the time so fixed the council shall meet and hear all such objections, and for that purpose may adjourn from day to day, and may by resolution modify such assessment in whole or in part. At any time before the first day of December thereafter, any party liable may pay any such tax to the city treasurer. On such first day of December, if any such tax remains unpaid the clerk shall certify a copy of such resolution to the county clerk with a certificate of the city treasurer annexed, showing what taxes thereby levied remain unpaid, and the county clerk shall put the same with five per centum additional upon the tax roll in addition to, and as a part of all other city taxes therein levied on such land to be collected therewith; provided, that whenever the benefits are assessed to any lot or parcel of land as provided in subdivision three of section four hundred and twenty-three, chapter twenty-two, the same shall not be again assessed as provided in this section."

SEC. 24. That section four hundred and thirty, of Chapter twenty-two, Fifth Division, Compiled Statutes, be amended so as to read as follows:

SEC. 430. The city council may cause any street, avenue, or alley, or any part thereof, to be graded, paved, macadamized, or otherwise improved, upon the same being ordered by a two-third vote of all the members of the council. For the purpose of so improving any street, avenue, or alley, or building any side walk or gutter, the city council may levy and cause to be collected upon the lots, tracts or parcels of ground on such streets, avenues, or alleys improved, or upon the side thereof where such sidewalks or gutter is built, and upon the owners thereof, a tax sufficient to pay all expenses of whatever character of constructing and making such improvement. Where such improvement consists of paving or macadamizing, the cost shall be assessed to the property on either side of the street opposite to which such paving or macadamizing is done. When the improvement consists of build-

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ing sidewalks or gutters the cost thereof shall be assessed to the property opposite to which such sidewalk or gutter is built. When the improvement consists of grading or otherwise improving such streets, avenues, or alleys, the cost may be assessed either against the abutting property, or in proportion to benefits upon the property benefitted thereby, as the city council may determine. Every such tax for the building of sidewalks shall be for the entire cost, but for other improvements mentioned in this section, the city council, may, in its discretion, cause one-half, or less, of the cost to be paid out of the city treasury. If any tax levied under this section shall prove insufficient to pay the cost, or proportion thereof, the city council may levy an additional tax to make good the deficiency. The tax and special assessment as provided for in this section shall be certified by the City Clerk to the County Clerk and Recorder, and by him to the County Treasurer, and such taxes and special assessment shall be levied and collected in the same manner as other taxes and special assessments and shall be a lien upon the property upon which they are assessed. Provided that any person owning property in front of which a side walk or gutter is ordered built, may build such sidewalk or gutter or cause the same to be built; Provided further that the same shall be done within thirty days after being ordered by the council and under the orders and directions of the City Street Commissioner."

SEC. 25. That Chapter Twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 G", as follows:

SEC. 440 G. Whenever it is desired to create special improvement districts for the purpose of grading, paving, macadamizing or otherwise improving any street, avenue, or alley, or any part thereof, or building, repairing or improving any sewer, sidewalk or gutter; or making any other public improvements, including street sprinkling and planting of trees as provided for in Subdivision LXXI of Section three hundred and twenty-five of this Chapter, the payment of assessments for which are to be made in installments, and are to extend over a period of not more than three years, and the cost of which special improvement is to be paid for by "special improvement warrants", the city council shall by resolution designate the boundaries of such district, which may be composed of all or any part of any block or blocks within said city and such resolution shall be recorded in a book to be kept for that purpose by the City Clerk. The yeas and nays shall be called and recorded on all such resolutions. And the City Council shall enact by ordinance that the expense of improvements within each improvement district thus created shall be paid by the entire district, each lot within such district to pay by special assessment

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such amount of money as shall be the quotient found by dividing the whole expenses of any given improvement (less any amount which may be payable by any person or corporation occupying a part of such improvement district under a franchise from the City Council), including preparation of plants (plats?) and all other expenses of every kind, nature and description whatsoever connected with the making of said improvements, by the entire number of lots in such district, the assessment on each lot to be proportioned by the area thereof.

SEC. 26. That Chapter Twenty-two, Fifth Division, Compiled Statutes, be amended, by adding thereto a section to be designated and numbered "Section 440 H", as follows:

SEC. 440 H. Whenever it shall be the purpose of the City Council of any city to create a special improvement district or districts or to order any improvements made or to change the boundaries thereof as provided in Section 440 G, public notice of such purpose shall be given by the City Clerk by advertising the same in some newspaper published within such city, or by printed notices posted in at least three public places in said district for at least thirty days prior to the day set by the City Council for the meeting, at which final action shall be taken on the resolution, ordering any improvement made, creating such special improvement district or districts, or changing the boundaries thereof. Any person or persons who are the owners of any part of any lot or lots within such improvement district shall have the right to appear at said meeting, either in person or by council (counsel?), before the City Council, and show cause, if any there be, why the proposed improvement should not be ordered, why such special improvement district should not be established or why the boundaries thereof should not be changed. And if at such Council meeting the owners of a majority of the property to be assessed for such improvement (if the purpose is to make improvements) of the property to be affected by the creation or change of boundaries of such improvement district or districts (if the purpose is to create or change the boundaries of any improvement district or districts) shall file a written protest against making such improvements, the improvement shall not be made at the time, nor for six months thereafter, otherwise the favorable action of two-thirds of all the members elected to the City Council shall be final, but said improvement or creation or change of boundaries of any improvement district or districts may be initated again at any time after the expiration of six months from the date of said meeting, at which such purpose was defeated.

SEC. 27. That Chapter Twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 I", as follows:

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SEC. 440 I. When the City Council shall order any work to be done and the expense of doing the same assessed to the property within any special improvement district, if the assessment shall amount to over Twenty-five Dollars ($25) per lot, said assessment shall be payable in four equal annual payments, provided that if said assessment shall amount to less than Twenty-Five Dollars ($25.00) per lot, then the entire amount shall be payable at the date when the first payment would be payable, as herein provided, in case it amounted to more than Twenty-Five Dollars ($25.00) per lot. If said assessments amount to more than Twenty-Five Dollars ($25.00) per lot then the annual payment shall be due and payable as follows: If said improvement shall be completed and accepted by the city council between the first day of January and the first day of July of any year, the first payment shall be due on the first day of July of that year, and one of the three payments on the first day of July of each of the three next succeeding years. If said improvement shall be completed and accepted, as aforesaid, between the first day of July of any year and the first day of January of the following year, then said first payment shall be due and payable on the first day of January of such following years, and one of the three payments shall be due on the first day of January of each of the three next succeeding years. All deferred payments of special improvement assessment, as herein provided for, shall bear interest as (at?) not to exceed the rate of ten per cent. (10 per cent.) per annum, from the date of the final approval and acceptance of the work by the City Council on any given improvement, until the same becomes delinquent.

SEC. 28. That Chapter twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 J", as follows:

SEC. 440 J. The special assessments against property in all special improvement districts shall be payable to, and collected by the City Treasurer, and by him reported to the city council. If the amount of any said special assessment against any lot or lots that may become due and payable on the first day of July, of any year, shall not be paid on or before the first day of December thereafter, a penalty of five (5) per cent. shall be added thereto, and the resolution shall be certified by thee City Clerk to the County Clerk and Recorder with the certificate of the City Treasurer annexed, showing what assessments thereby levied remain unpaid, and the County Clerk and Recorder shall put the same with the five (5) per cent. additional upon the tax roll in addition to, and as a part of all other city taxes therein levied, on such land to be collected therewith. And the same shall

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be collected by the County Treasurer by sale of the property in the same manner and subject to the same expenses, penalties and additional interest as is or hereafter may be provided by law for in case a similar collection of delinquent real estate taxes, by the County Treasurer. If the amount of any special assessment that may become due or payable on the first day of January of any year, shall not be paid on or before ten (10) days after said date, the same shall become delinquent, and five (5) per cent. penalty shall be added thereto, and the City Clerk shall certify a copy of such resolution to the County Clerk with a certificate of the City Treasurer annexed, showing what taxes thereby levied and becoming due on said last mentioned date remain unpaid, and the County Clerk shall put the same with five (5) per cent. addition upon the tax roll in addition to and as a part of all other city taxes therein levied on such land for the preceding year, to be collected therewith by the County Treasurer in the manner hereinbefore specified. In the event that more than one special assessment remains due and unpaid at the time that any of said special assessments become delinquent, then the whole of said special assessment shall become due and payable immediately, and shall be collected by the County Treasurer in the manner hereinbefore provided. Provided, that no penalty shall be attached to any deferred payment other than that portion of the special assessment that is delinquent."

SEC. 29. That Chapter Twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section designated and numbered "Section 440 K", as follows:

SEC. 440 K. Such assessments with the interest accruing thereon, shall be a lien upon the property of such improvement district from the commencement of the work, and shall remain a lien until fully paid, having precedence of all other liens and shall not be divested by any judicial sale.

SEC. 30. That Chapter twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 L", as follows:

SEC. 440 L. Any owner of property against which an assessment shall have been made for the cost of such improvement shall have the right to pay the same in full with the interest thereon to the date of payment, or after having paid one or more of the four payments and interest, he may at any time pay the balance of his assessment remaining unpaid, with the interest thereon, and such payment in full shall satisfy in full the lien upon the property. Any owner dividing any lot owned by him so that the same is divided into separate fractions of a lot, may discharge the lien in like manner upon any one or more of such frac-

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tions by the payments of the amount unpaid thereon, calculated by the ratio of such fraction to the whole lot.

SEC. 31. That Chapter twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 M", as follows:

SEC. 440 M. All moneys received from special assessment shall be set aside and reserved by the City Treasurer as a separate fund of the district from which collected, for the payment of the interest and the redemption of the warrants which may be issued in payment for the improvements therein. The term owners in this chapter shall be so construed as to include all corporations, public, private and municipal. Any mistakes in the description of the property or the name of the owner shall not vitiate the lien. A part or section of a street, alley or avenue may be improved under the provisions thereof, as well as the entire street, alley or avenue.

SEC. 32. That Chapter Twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 N", as follows:

SEC. 440 N. It is hereby made the duty of the City Engineer to make estimates on all special improvement contracts at the time provided for in the contract, and the City Council shall after approval of said estimates, pay the contractor the amount due under the contracts (less any amount reserved in the contract until the completion of the work) in special improvement warrants on the proper special improvement district, which shall bear interest at not to exceed the rate of ten per cent. (10 per cent.) per annum from the date of the registration with the City Treasurer, in a separate book to be kept by him for that purpose, until paid; provided, that at any time when there shall be in the city treasury funds belonging to any special improvement district, with which special improvement warrants can be paid, it shall be the duty of the City Treasurer to call in as many of said special improvement warrants of that district, designating them by date and number, as he shall at any given time have the funds to pay, in the same manner as he now or hereafter may be, by law, authorized to call in city warrants; after due notice having been given such special improvement warrants as shall be called by him, cease to bear interest, whether they are presented for redemption or not. There shall be a special improvement warrant book kept by the city clerk, and when he issues special improvement warrants they shall be recorded in the book provided for that purpose, the same as he is required to record city warrants.

SEC. 33. That Chapter twenty-two, Fifth Division, Compiled

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Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 O", as follows:

SEC. 440 O. The City Council shall cause a plat of street or streets, alley or alleys, colored to indicate such part thereof as they shall have finally determined to improve, and also showing the public improvement district in which said improvement is situated to be prepared by the City Engineer, showing the separate lots of ground against which portions of the special assessment for said improvements will be assessed, and the same shall be kept on file in the office of the City Engineer until the final completion of the work; after which there shall be placed upon said plat the names of the several owners of the different portions of the ground in said improvement district, and shall make or cause to be made a list or schedule of the names of all owners, and the amount assessed against each lot or piece of ground; they shall give them two weeks' notice by advertisement in at least one newspaper published in the city or by printed notices posted in conspicuous places in said improvement district, of the time and place where for a period of twenty days thereafter said plat and schedule may be seen for the correction of errors; and after having corrected such errors as may be known to them, they shall file the same in the office of the City Treasurer for his use in collecting said special assessments.

SEC. 34. That Chapter twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 P", as follows:

SEC. 440 P. Nothing contained in section 440 G, 440 H, 440 I, 440 J, 440 K, 440 L, 440 M, 440 N, 440 O or in subdivision LXXI of section 325 of this Chapter shall be construed as prohibiting the City Council from making public improvements as provided in sections 430, 434, 440 B, 440 C, and other sections of this Chapter, and levying of assessments to pay for the same as provided in said last mentioned sections, in their discretion."

SEC. 35. That Chapter twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 I", as follows:

SEC. 440 I. The City Council shall have the power to require the connections from gas pipes, steam heating pipes and sewers to the curb line of adjacent property to be made before the permanent improvement of the street whereon they are located, and to regulate the making of such connections on streets already improved, and in case the owners of property on such streets shall fail to make such connections within the time fixed by the Council they may cause such

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connections to be made, and to assess against the property in front of which such connections are made the cost and expense thereof. The City Council shall also have power to compel all property owners on streets along which sewers have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of property on such street shall fail to make such connections within the time fixed by the Council, the Council may cause such connections to be made and to assess against the property in front of which such connections are made, the entire cost and expense thereof. All assessments levied under the provisions of this section shall be enforced and collected in the same manner as other special assessments provided for in this Chapter, and all such assessments shall be a lien against the property.

SEC. 36. That Chapter Twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 R", as follows:

SEC. 440 R. Whenever, by reason of an alleged non-conformity to any law or ordinance, or by reason of any omission or irregularity, any special tax or assessment is either invalid or its validity is questioned, the city council may make all necessary orders and ordinances and may take all necessary steps to correct the same and to re-assess and re-levy the same, including the ordering of work, with the same force and effect as if made at the time provided by law, ordinance or resolution relating thereto; and may re-assess and relevy the same with the same force and effect as an original levy. Whenever any apportionment or assessment is made and any property is assessed too little or too much, the same may be corrected and re-assessed for such additional error as may be proper, or the assessment may be reduced even to the extent of refunding the tax collected. Any special tax upon re-assessment or re-levy, shall, so far as is practicable, be levied and collected as the same would have been if the first levy had been enforced; and any provisions of any law or ordinance specifying a time when, or order in which acts shall be done in a proceeding which may result in a special tax, shall be taken to be subject to the qualifications of this Act. Any and every ordinance, or part thereof, of any city council heretofore passed in substantial conformity with this section is hereby legalized.

SEC. 37. That Chapter twenty-two, Fifth Division, Compiled Statutes, be amended by adding thereto a section to be designated and numbered "Section 440 S", as follows:

SEC. 440 S. Sections 410, 411, 412, 413 and 414, of Chapter

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twenty-two, Fifth Division of the Compiled Statutes of Montana, are hereby repealed.

SECTION 38. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SECTION 39. This Act shall take effect and be in force from and after its passage.

APPROVED Mch. 7, 1893.

An Act to Amend Sections 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, of Chapter 119 Fifth Division Compiled Statutes of Montana, Concerning Towns and Village Sites and Plats.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 2015 of Chapter 119, Fifth Division of Compiled Statutes of Montana, be, and the same is hereby amended so as to read as follows, to-wit:

SECTION 2015. Immediately after such survey and plat has been made, or if a survey and plat has been made previous to the entry according to the provisions of section 2013, of this chapter, then immediately after the entry of the lands at the proper land office as provided in section 2011 of this chapter, the corporate authorities or the district judge, as the case may be, shall cause a notice to be published in all the newspapers published in such town or if no newspaper be published in such town, then, by advertisement posted up in twelve of the most public places in such town, for at least two months, giving notice of such entry, and requiring every claimant or claimants of any town lot or lots, to file in the office of such incorporate authorities or in the office of the Clerk of the District Court of such District Judge, in the county in which such townsite is situated, as the case may be, a statement of his or their claims within two months from the date of the first publication of such notice.

SECTION 2. That section 2016 of chapter 119 Fifth Division Compiled Statutes of Montana be, and the same is hereby amended so as to read as follows, to-wit:

SECTION 2016. Such statement shall be made in writing, signed by the party or parties making the same and verified by the affidavit of such party or parties, and shall be recorded at length in a well bound book, to be provided and kept for such purpose by such incorporate authorities or clerk of the district court of such District Judge as the case may be. Such statement shall specify the grouds (grounds?), of such claims, particularly describing the lot or lots

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claimed, the date as near as may be of the occupation of such lot or lots, and by whom; what improvements have been made on such lot or lots and the value thereof; and that such lot or lots are now actually possessed and occupied by such a claimant or that the right to such occupation is in the claimant, if such lot or lots are occupied by another.

SECTION 3. That section 2017 of chapter 119 Fifth Division Compiled Statutes of Montana, be, and the same is hereby amended so as to read as follows, to-wit:—

SECTION 2017. All claimants of any lot or lots in any townsite pre-empted under the provisions of this chapter, shall, within six months from and after the expiration of the notice mentioned and provided for in section 2015 of this chapter, make proof of such claim and of the facts contained in such statement, before the corporate authorities aforesaid, or the District Judge, as the case may be, and pay the price hereinafter fixed upon such lot or lots, and no proof shall be permitted to be made after the expiration of the time prescribed in this section; Provided, that the District Judge, at Chambers, shall and he is hereby authorized to appoint, by appropriate entry upon the minutes of his Court, some suitable person who is a notary public, referee, to hear and take down in writing any and all proof of such claim, and of the facts contained in such statement, and to prepare all deeds to such lot or lots so claimed and proven, and report the same to said District Judge, and thereupon it shall be the duty of said District Judge to examine the proofs and execute deeds to the claimant or claimants: as provided for in section 2019 of this chapter as amended in section 5 of this Act.

SECTION 4. That section 2018 of Chapter 119 Fifth Division Compiled Statutes of Montana, be, and the same is hereby amended so as to read as follows, to-wit:—

SECTION 2018. The number of lots which any one claimant shall be entitled to pre-empt, under the provisions of this chapter, shall be two, not exceeding in area four thousand two hundred square feet each, and such additional lot or lots upon which such said claimant may have substantial improvements of the value of not less than two hundred and fifty dollars. When any claimant shall make application to enter more than two lots, he shall prove, in addition to other matters of proof required by this chapter, to the satisfaction of said incorporate authorities or District Judge, as the case may be, by the affidavit of one or more reliable witnesses, the nature, character and actual cash value of the improvements upon such additional lot so sought to be entered by him, provided, said District Judge may, and he is hereby

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authorized to appoint a referee to take such proof, by affidavit, as provided in this Act.

SECTION 5. That section 2019 of Chapter 119 Fifth Division Compiled Statutes of Montana, be and the same is hereby amended so as to read as follows: to-wit:—

SECTION 2019. The said District Judge or corporate authorities, as the case may be, shall proceed to award the lot or lots claimed, as provided for in this chapter, and for that purpose shall, as soon as practicable, and as near as practicable in the order of time of the filing of statements of claims, examine each and every claim, as herein provided, and hear such proof as the claimant or claimants may submit, to establish his or their claims thereto; and if the same shall be found to comply with the provisions of this chapter, and no conflicting claim shall have been filed, the said District Judge or corporate authorities, as the case may be, shall, upon payment of the purchase price, as hereinafter prescribed, proceed forthwith to make such claimant or claimants a good and sufficient deed for such lot or lots.

SECTION 6. That section 2020 of chapter 119, Fifth Division Compiled Statutes of Montana, be, and the same is hereby amended so as to read as follows, to-wit:—

SECTION 2020. The fees of such referee shall be, in case such claim or claims are not contested, Five Dollars, for taking and reporting such proofs and preparing such deeds for each town lot, and in contested cases the fees of such referee shall be ten dollars for each lot.

SECTION 7. That section 2021 Chapter 119 Fifth Division Compiled Statutes of Montana be, and the same is hereby amended so as to read as follows, to-wit:

SECTION 2021. In all cases where there is a dispute or contest in regard to the right to the deed to any lot or lots, the District Judge or corporate authorities, as the case may be, shall hear the testimony relating thereto, at such time as they may fix therefor, and after two days notice of such time and place of hearing given to each and every contestant, they shall proceed to hear and decide such claims in accordance with the principles of right and justice and the provisions of this chapter; and in case there shall be no appeal taken from such decision, as hereinafter provided, then after ten days from the rendering of such decision, the said District Judge or corporate authorities, as the case may be, shall proceed to make a deed, as provided for in this Act, to the person or persons to whom the lot or lots may have been awarded: provided, the corporate authorities or District Judge as the case may be, may adjourn from time to time, as they may deem just, for the fair adjudication of such claim or claims; and provided further,

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that said District Judge may, and he is hereby authorized to appoint some suitable person who is a notary public, referee, to hear such contest and take all the proofs in writing and report the same to the District Judge, who shall thereupon and upon such proofs adjudicate and determine the rights of the parties, as herein provided.

SECTION 8. That section 2022 Chapter 119 Fifth Division Compiled Statutes of Montana, be, and the same is hereby amended so as to read as follows, to-wit:

SECTION 2022. In case any claimant or claimants of any lot or lots which may have been awarded, as provided in section 5 of this Act, shall feel aggrieved by such decision, such claimant or claimants may take an appeal to the District Court of the County in which the same is located. Such appeal may be made by filing with the Clerk of the District Court a notice in writing of such appeal, and a complaint in the matter of an action for the recovery of the possession, or if the party be in possession, to establish his right to the same; and a copy of such notice and complaint shall be served upon each and all of the parties contesting, and in all respects the pleadings and proceedings thereafter shall be governed by the same rules applicable to actions originally commenced in the District Court.

SECTION 9. That Section 2023 Chapter 119 Fifth Division Compiled Statutes of Montana, be, and the same is hereby amended so as to read as follows, to-wit:

SECTION 2023. When a notice of appeal to the District Court shall have been filed with the Clerk of the District Court, the power to make a deed, as provided for in section 3 of this Act, shall be suspended until the appeal is dismissed, or finally determined; and upon such dismission or final determination, such Judge or corporate authorities aforesaid, shall make a deed to the party found by such determination to be entitled thereto.

SECTION 10. That all Acts and parts of Acts in conflict with this Act be, and the same are hereby repealed.

APPROVED Mch. 2, 1893.

An Act to Enable Counties and Incorporated Cities to Make Contracts for the Abatement of Injurious and Unhealthy Smoke and Fumes, and to Issue Bonds and Dispose of the Same for That Purpose.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That it shall be lawful for any county or incorporated city or town in any county, in this State, where injurious and unhealthy

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smoke and fumes exist to make contracts for the abatement thereof, and issue and dispose of bonds for that purpose, subject to the limitations and conditions hereinafter provided.

SECTION 2. Wherever a petition is presented to the Board of County Commissioners of any county, or to the Council of any incorporated city or town, signed by at least one hundred of the resident taxpayers of such county, or incorporated city or town, requesting that a contract be made, and vote taken under this Act, it shall be the duty of the Board of County Commissioners of such county or Council of such incorporated city or town, as the case may be, to enter into and make a contract for the abatement of such injurious and unhealthy smoke or fumes, or for conducting or carrying the same away, so as to remove or lesson the injurious and unhealthy results thereof as effectually as the same can be done; that such contract shall be entered into and made with such person or persons, corporation or corporations, and contain such provisions and conditions as will in the opinion of the Board of County Commissioners, or Council of said incorporated town or city, as the case may be, best accomplish the purpose aforesaid, and shall take effect and be in force as provided in this Act.

SECTION 3. Whenever a contract shall have been entered into, as aforesaid, it shall be reduced to writing and executed by the parties in due form of law, and three copies thereof deposited with the Clerk of the Board of County Commissioners, or Clerk of the Council; as the case may be, for public inspection and examination, and the person or persons, corporation or corporations with whom said contract shall have been made shall execute their or its bond or bonds with sufficient sureties to such Board of County Commissioners, or city or town, conditioned for the full and faithful performance of all the terms and conditions on their part, the terms, conditions and penalty of which shall be approved by the contracting board or Council, which said bond or bonds to be in full force and effect upon the ratification thereof as hereinafter provided, which condition shall be expressed therein.

SECTION 4. That the purpose of raising moneys to meet the payments under the terms and conditions of said contract, and other necessary and proper expenses in and about the same, and the approval or disapproval thereof, it shall be the duty of the Board of County Commissioners, if the petition be presented to it, within thirty days thereafter, to ascertain the existing indebtedness of the county in the aggregate, and within sixty days after ascertaining the same to submit to the electors of such County the proposition to approve or disapprove the said contract and the issuance of bonds necessary to carry out the same, which shall not exceed five per centum of the value of

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the taxable property therein, inclusive of the existing indebtedness thereof, to be ascertained by the last assessment for State and county taxes previous to the issuance of said bonds and incurring said indebtedness; and if said petition be presented to the Council of any incorporated city or town, then within thirty days thereafter they shall ascertain the aggregate indebtedness of such city or town, and within sixty days after ascertaining the same, submit to the electors of such city or town the proposition to approve or disapprove said contract and the issuance of bonds necessary to carry out the same, which shall not exceed three per centum of the value of the taxable property therein, inclusive of the existing indebtedness thereof, to be ascertained in the manner hereinbefore provided; and if disapproved the expenses of such election shall be paid out of the general fund of such County, city or town, as the case may be.

SECTION 5. The vote upon such proposition shall be had at an election for that purpose to be held, conducted, counted and results ascertained and determined in the manner and by the same officers provided by law for general elections, except as otherwise herein provided, and the proposition to be submitted shall be upon printed tickets or ballots upon each of which shall be printed the following: "For the Contract and Bonds", "Against the Contract and Bonds", the former above the latter, and the elector shall indicate his vote by a cross, opposite the one or the other for which he votes, and if it appear from the result of such election that a majority of the votes cast were "For the Contract and Bonds" then said contract shall be in full force and effect, and the said bonds shall be issued and disposed of in the manner hereinafter provided; and if it shall appear from the result of such election that there was a tie, or a majority of said votes were cast "Against the Contract and Bonds" then the said contract and bond given for its fulfillment shall be null and void and of no effect, and said bonds and none thereof shall be issued.

SECTION 6. The Board of County Commissioners of the County in which such election is to be held, or the council of the incorporated city or town, as the case may be, shall give notice of such election, stating the objects thereof, the time and place of holding the same, such conditions of the contract as in their judgment is proper and necessary to enable the electors to vote intelligently upon the proposition submitted to them, the amount of bonds proposed to be issued, when payable, and the interest they are to bear, with a description of the tickets or ballots to be used, in some newspaper printed and published and circulated in the county or city or town, as the case may be, in which such election shall be held, at least three times a week for at

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least six consecutive weeks next preceding such election, and if no newspaper be printed, published and circulated therein, then in some newspaper printed and published in some county nearest thereto.

SECTION 7. The bonds to be issued upon the conditions and under the provisions aforesaid shall bear the date of their issuance; shall be designated as Sanitary Coupon Bonds of the County, city or town issuing the same; shall be of a denomination not less than five hundred or more than one thousand dollars each; shall be payable at such place in New York City or elsewhere at the discretion of the Board or Council issuing the same; shall bear interest at the rate of six per cent per annum, payable thirty years after the date thereof, with the privilege of paying the same at any time after five years from such date, which interest shall be payable semi-annually at the place whereat the principal is payable, and for which interest coupons shall be attached to said bonds. If said bonds and coupons are issued by any County they shall be signed by the Chairman of the Board of County Commissioners of such County and attested by the Clerk thereof and his seal thereto attached; and if issued by any incorporated city or town, the same shall be signed by the Mayor and attested to by the City or Town Clerk and the seal thereof attached.

SECTION 8. The Board of County Commissioners or Council, as the case may be, may provide by said contract for the delivery of said bonds or any part thereof, at their face value upon the terms and conditions in said contract provided, or may sell and dispose of the same, or any part thereof, to raise funds to carry out said contract, and use such funds for that purpose, and for the payment of any expert or experts, or any incidental expenses proper and necessary in and about said contract and the carrying out of the same. And in the event said bonds are sold, they shall be sold for cash to the highest bidder, after public notice by publication in a paper of general circulation, which may be printed and published in each county in the State, and also by publication in at least three newspapers of general circulation, printed and published in the Cities of Boston and New York. Such notice shall be published at least once a week, and shall contain in substance, a description of said bonds, as set out in the preceding section of this Act, and the proceeds of the sales thereof shall be paid over to the County Treasurer, or the City or Town Treasurer, as the case may be, and kept as a separate and independent fund for the purposes herein provided, and shall be known as the Sanitary Coupon Bond Fund, and shall be deposited and kept in such a manner and at such Bank, or Banks, as the Board of County Commissioners of the County, or Council of the city or town, owning such funds, may

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direct, and which shall not be paid out or disbursed, except upon warrants or orders drawn thereon by the Board of County Commissioners, or Council of such incorporated City or Town, signed and attested in the manner provided by law.

SECTION 9. The faith of the county or incorporated city or town, issuing bonds under the provisions of this Act, is solemnly pledged for the payment of the principal and interest according to the tenor of said bonds and the coupons attached to the same, and the Board of County Commissioners of the County, or Council of the incorporated city or town, issuing said bonds, shall ascertain and levy and assess a tax sufficient to pay the interest upon said bonds, and form such sinking fund for the payment of the principal thereof, as may be necessary and proper, in the manner provided by law, or ordinance, which shall become a lien and be collected as other taxes, and shall be kept as a separate fund, as hereinbefore provided, and all bonds, coupons, orders and warrants issued and drawn under the provisions of this Act shall be promptly paid, registered and entered in books kept for that purpose, and correct and proper entries made in respect thereto, and the same when paid shall be cancelled and preserved, and proper entries made thereof, as provided by law in cases of other bonds, warrants and orders.

SECTION 10. In the event it shall be found expedient and proper in executing said contract to modify or change the same in some of the minute details thereof, and such modifications or change shall be agreed upon by the parties thereto, the same may be made with the approval of the Judge or Judges of the District forming such County, or the Judge or Judges of the District in which such County or incorporated City, or town is included, and when so approved shall have the same force and effect as if originally contained therein.

SECTION 11. That no registration under the election laws of this State shall be required for the purposes of the election herein provided for, and the registration had at the last election preceding the same shall govern and control, and if especailly had and done for the purposes of the election to be held under this Act.

SECTION 12. This Act to take effect and be in force from and after its passage.

APPROVED Mch. 8, 1893.

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An Act to Authorize the Amendment of Certificates of Incorporation of Railroad Corporations.

Be it enacted by the Legislative Assembly of the State of Montana:

SEC. 1. That any corporation heretofore formed, or which may hereafter be formed, under the provisions of Chapter 25, of the 5th Division of the Compiled Statutes of Montana, relating to railway corporations may by a majority vote of its Board of Directors and by the assent of its stockholders, representing at least two-thirds of the subscribed capital stock of such corporation, expressed in writing, or at a general or special meeting of stockholders, amend its certificate of incorporation in any one or more of the following particulars, to-wit: By more particularly describing the general route of its road, or any part thereof, or by correcting or supplying any defect, mistake or insufficiency in the description thereof, contained in said certificate, by describing any change or changes in its route or any additions or extensions to or of its line of road, by adding thereto or extending the same to points or termini other than those mentioned in the original certificate of incorporation.

SEC. 2. That a copy of such amendment or of the original certificate of incorporation, as amended, and a copy of the resolution of the Board of Directors adopting the same, certified by the President and Secretary of the Company, under the corporate Seal, to be correct and to have been adopted by a majority vote of the Directors of the Company and to have been assented to in writing or by vote of stockholders representing at least two-thirds of the subscribed capital stock of the Company and shall be filed with, and recorded by the Secretary of State; and a like copy certified as aforesaid, shall be filed with and recorded by the County Clerk and Recorder of the County in which the principal place of business of the company is or shall be situated; and from the time of such filing, said original certificate of incorporation shall be deemed to be amended accordingly, and such corporation shall have the same rights and powers and it and the stockholders thereof shall be subject to the same liabilities, as if such amendment had been embraced in the original articles or certificate of incorporation.

SEC. 3. That said certificate and amended certificate, may be amended in like manner whenever deemed expedient or necessary by the Board of Directors and stockholders of the Company.

SEC. 4. This Act to take effect from and after its passage.

APPROVED Feby. 24, 1893.

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An Act to Require Railway Corporations When They Fence Their Right-of-Way, or Where They Have Already Fenced It, to Leave or Make Certain Openings Therein, and to Provide a Penalty for the Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That any railroad corporation or lessee, person, company or corporation operating any railroad in this State which may hereafter fence their right of way, shall make crossings through their fence and over their road-bed along their right-of-way, every four miles thereof or as near thereat as may be practicable.

SECTION 2. Such openings shall not be less than sixty feet in width. The said railroad company or lessee, person, company or corporation operating any railroad shall place cattle-guards on either side of the said openings, sufficient to prevent any cattle from entering upon the said right-of-way so enclosed.

SECTION 3. That the said railroad company, lessee, person or company operating any railroad in addition to the said openings, shall leave unfenced any places where the said railroad runs over trestles that are sufficiently high for cattle to go underneath the same.

SECTION 4. The provisions of this bill shall only apply to grazing country.

SECTION 5. Any railroad corporation or lessee, person, company or corporation operating any railroad in this State violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be in any court of competent jurisdiction, be fined in a sum not less than one hundred dollars and not more than Five hundred dollars.

SECTION 6. All acts and parts of acts in conflict with this act be and the same are hereby repealed.

APPROVED Mch. 2, 1893.

An Act, Relating to Certain Contracts for the Conditional Sale, Lease or Hire of Railroad and Street Railway Equipment and Rolling Stock, and Providing for the Recording Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. In any contract for the sale of railroad or street railway equipment or rolling stock, it shall be lawful to agree that the title to the property sold or contracted to be sold, although possession thereof may be delivered immediately, or at any time or times subsequently, shall not vest in the purchaser until the purchase price shall

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be fully paid, or that the seller shall have and retain a lien thereon for the unpaid purchase-money and in any contract for the leasing or hiring of such property, it shall be lawful to stipulate for a conditional sale thereof at the termination of such contract, and that the rentals or amounts to be received under such contract, may, as paid, be applied and treated as purchase-money and that the title to the property shall not vest in the lessee or bailee until the purchase-price shall have been paid in full, and until the terms of the contract shall have been fully performed, notwithstanding delivery to and possession by such lessee or bailee; provided: that no such contract shall be valid as against any subsequent judgment creditor, or any subsequent bona fide purchaser for value and without notice unless:

First: The same shall be evidenced by an instrument executed by the parties and duly acknowledged by the vendee or lessee, or bailee, as the case may be, or duly proved, before some person authorized by law to take acknowledgment of deeds, and in the same manner as deeds are acknowledged or proved.

Second: Such instrument shall be filed for record in the office of the Secretary of State of this State, and also in the office of the County Clerk and Recorder in each County of this State in which the line of such railroad or street rail-way Company extends.

Third: Each locomotive engine, or car so sold, leased or hired, or contracted to be sold, leased or hired as aforesaid, shall have the name of the vendor, lessor or bailor plainly marked on each side thereof followed by the word "owner" or "Lessor" or "Bailor" as the case may be.

SECTION 2. The contracts herein authorized shall be recorded by the Secretary of State in a book of records to be kept for that purpose, and on payment in full of the purchase-money, and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect, may be made by the vendor, lessor, or bailor, or his or its assignee, which declaration may be made on the margin of the record of the contract, duly attested, or it may be made by a separate instrument to be acknowledged by the vendor, lessor, or bailor, or his or its assignee, and recorded as aforesaid, and for such services the Secretary of State shall be entitled to a fee of fifteen dollars, for recording each of said contracts and each of said declarations, and a fee of one dollar for noting such declaration on the margin of the record.

SECTION 3. This Act shall not be held to invalidate or affect in any way any contract heretofore made of the kind referred to in the first section hereof, and any such contract heretofore made, may upon

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compliance with the provisions of this Act, be recorded as herein provided. Nor shall it interfere with the provisions of Chapter thirty-six of the fifth division of the Compiled Statutes of this State, so far as to impair any mortgage on rolling-stock or equipment of any railroad therein provided for, or repeal the provisions therein contained, providing for the making of such mortgages.

APPROVED Mch. 2, 1893.

An Act to Regulate the Sale and Redemption of Transportation Tickets of Common Carriers.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. It shall be the duty of the owners of any railroad or steamboat for the transportation of passengers, to provide each agent who may be authorized to sell within the State, tickets or other evidence entitling the holder thereof to travel upon his or their railroad or steamboat, with a certificate setting forth the authority of such agent to make such sales, which certificate shall be duly attested by the corporate seal of any corporate owner of such railroad or steamboat and shall for the information of travellers be kept posted in a conspicuous place in the office of such agent. After the issue of such certificate as aforesaid such agent or superintendent, or general officer of such owners shall, within ten days thereafter, exhibit the same to the Secretary of State of the State of Montana, and at the same time shall pay to said Secretary of State a license fee of one dollar ($1) whereupon said Secretary of State shall issue to such agent so presenting said certificate, a license under the seal of the State of Montana, authorizing such agent to engage in the business of selling transportation tickets of said common carrier; and said license so issued to such agent by said Secretary of State shall also be kept posted in a conspicuous place in the office of such agent for the information of travelers and of the public.

SECTION 2. It shall not be lawful for any person not in the possession of such certificate and license so posted as aforesaid, to sell, barter, or transfer within this State for any consideration the whole or any part of any ticket or other evidence of the holder's title or right to travel on said railroad or steamboat, whether such railroad or steamboat be situated, operated or owned within or without the limits of this State.

SECTION 3. Whoever shall violate the provision of the second section of this act shall be deemed guilty of a misdemeanor, and shall

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be punishable by a fine not exceeding Five hundred dollars ($500) and by imprisonment not exceeding one (1) year, or either or both, in the discretion of the Court in which such offender shall be convicted.

SECTION 4. It shall be the duty of every agent residing or acting within this State who shall be authorized to sell therein tickets or other evidence of the holders title to travel upon any railroad or steamboat, to exhibit to any person desciring to purchase a ticket, or to any officer of the law who may request him so to do, such certificate of his authority thus to sell, and such license.

SECTION 5. It shall be the duty of the owners of every railroad or steamboat situate or operated, in whole or in part, within this State, to provide for the redemption, under reasonable precautions, of the whole, or of any coupon or coupons of any ticket theretofore sold by any agent authorized as aforesaid, which the purchaser for any reason other than the expiration of the time limited in said ticket for the use thereof, has not used, at cost, in case of the ticket not used, and in case of a coupon of a ticket partially used, at a rate which shall be equal, to the difference between the price paid for the whole ticket and the cost of a ticket between the points for which the used portion of said ticket was actually used; provided, that such ticket, or coupon, or coupons, shall be presented for such redemption to any agent authorized as aforesaid before the time therein limited for the use thereof shall have expired; and the deposit of such ticket, or part of ticket in the postoffice, addressed to any such agent, with postage thereon duly prepaid, before the expiration of the time limited on such ticket or part of ticket, shall be deemed such presentation; any (and?) the sale by any person of such ticket, or of the unused portion of any such ticket or coupon, or coupons, otherwise than by the presentation of the same for redemption, as hereinbefore provided, shall be deemed to be a violation of the provisions of this Act, and any person guilty of such violation shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars ($500) or by imprisonment not exceeding one year, or either or both, in the discretion of the Court in which such offender shall be convicted. Provided, however, that when any ticket selling agent so licensed as aforesaid or any common carrier subject to the provisions of this act shall sell, barter or transfer to any person any mileage book or commutation tickets or excursion ticket at any reduced rate authorized by law, and when such mileage book, commutation ticket or excursion ticket shall by the terms thereof be limited in respect of the time in which the same shall be used, then, and in that case, such mileage book, commu-

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tation ticket or excursion ticket shall not be redeemed by said common carrier subject to the provisions of this act.

SECTION 6. Any railroad company or steamboat company which shall by any of its authorized ticket selling agents within this State, unreasonably refuse to redeem any coupon of a ticket, or any ticket as required by section 5 of this Act, shall pay to the State of Montana, a fine not exceeding five hundred ($500) dollars for each offence.

SECTION 7. It is hereby declared to be unlawful for any ticket selling agent so authorized and licensed as aforesaid, or for any common carrier subject to the provisions of this Act, to charge, demand, collect or receive from, or to sell, barter, transfer or assign to, any person or persons, firm, Company, corporation or association, any ticket or tickets of any class, whatever entitling the purchaser or holder thereof to transportation by the common carrier issuing such ticket or tickets, for a greater or less sum or price than is charged, demanded, collected or received by such ticket selling agent or common carrier subject to the provisions of this Act, for a similar ticket or tickets of the same class. Any person, ticket selling agent or common carrier subject to the provisions of this Act who shall violate the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum not exceeding one thousand dollars for each offense.

SECTION 8. This Act shall take effect and be in force from and after the expiration of sixty (60) days next after its approval.

APPROVED Mch. 13, 1893.

An Act to Allow the Construction and Maintenance of Toll Roads and Toll Bridges, and to Regulate the Same.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Hereafter it shall be lawful for any person or persons, company or corporation, to construct and maintain in this State, toll roads and toll bridges, in the manner and for the purposes, and under the restrictions and regulations provided in this Act.

SECTION 2. If all lands necessary for the road bed, and approaches to the bridges, and other purposes, are not otherwise acquired as hereinafter provided, the person or persons, company or corporation, proposing to construct a toll road or bridge, in any part of the county, must publish a notice in some newspaper published therein, and if none, then in the newspaper nearest thereto, once in each week for

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four (4) successive weeks, specifying the character of the road or bridge, the termini of such road, and each town, city or village, through which it is proposed to construct it, and the time when the application hereinafter required will be made. After such notice is complete on the day specified therein application must be made to the Board of Commissioners of the County for authority to take the necessary lands and to construct the road or bridge described in the notice.

SECTION 3. The application may be heard at any regular meeting of the Board, or at a special meeting called for that purpose as provided by law.

SECTION 4. On the hearing all residents of the County and others interested, may appear and be heard. The Board may take testimony upon such hearing, and may adjourn the hearing from time to time.

SECTION 5. If it appear to the Board of Commissioners that the public interests will be promoted thereby, a majority of all the members thereof may grant the application, and by order authorize the person or persons, company or corporation, to take the real property necessary. The Board of Commissioners shall keep a record of all proceedings.

SECTION 6. If the route of the road or the proposed bridge extends into or passed through more than one county, the application must specify the county, or counties, into which the road or proposed bridge extends or passes through.

SECTION 7. The person or persons, company or corporation, proposing to construct such road or bridge, shall cause their surveyor or engineer to make a map of the proposed bridge, or drawing and specifications of the proposed bridge, which when approved by the Board of Commissioners must be filed in the office of the County Clerk.

SECTION 8. Whenever a road is constructed in accordance with the foregoing provisions the same may be extended or altered or the route thereof changed, or branches constructed thereto in the manner herein provided.

SECTION 9. Lands necessary for the purpose of the road or appurtenances, or the bridge and approaches thereto, may be acquired by purchase or condemnation, and if by condemnation it shall be condemned in the manner provided for condemnation of lands by railroad corporations in accordance with the provisions of Title XV, First Division, General Laws, Compiled Statutes of Montana. Lands within any highway may be granted by the Board of Commissioners, or town or city authorities on such terms and for such sums as may be agreed upon.

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SECTION 10. When the person or persons, company or corporation has obtained the lands by purchase or agreement, necessary upon which to construct the road or approaches of the bridge, the road or bridge may be constructed without making the application to the Board of County Commissioners as hereinbefore provided; but before proceeding to do so, an accurate survey of the road with the termini thereof and the county or counties through which the same passes, or if it be a bridge a description of the site, name of the stream, the county or counties where it is proposed to construct it, with proper plans and specifications, shall be certified to and be filed in the office of the County Recorder of the county or counties where said road or bridge is situated, and such road or bridge shall be constructed according to such survey of such road, or plans and specifications of such bridge.

SECTION 11. Whenever any road or bridge shall be constructed as provided in this Act toll gates may be erected and tolls collected as provided in this Act; Provided: the following persons and no other are exempt from payment of toll on all toll roads and toll bridges in this State.

1. Persons going to and from funerals, and all funeral processions.

2. Troops in actual service of the State or of the United States, and persons going to and from militia training which by law they are required to attend.

3. Persons going to or from the court house in obedience to subpœna in a criminal action.

4. School teachers and children attending school within three miles of their parental or boarding house.

SECTION 12. Every toll road or bridge constructed under the provisions of this act shall be kept in good state of repair and in safe condition for public travel, and whenever the owner of any toll road or bridge constructed or operated under the provisions of this act shall permit the same to be out of repair or safe condition for public travel the County Commissioners of the County or Counties in which said road or bridge is situated, may take possession of said road or bridge or suspend the operation thereof until the same shall be placed in repair by the owner thereof.

SECTION 13. The Board of County Commissioners of each county, through which any toll road passes or any toll bridge is situated, shall grant a permit to operate the same and shall fix the rate of toll which may be charged by the owner of such road or bridge for the portion of the road or bridge in each particular county, which rate shall not be diminished oftener than every two years, and may by order, regulate and govern the amount of weight and number of animals that

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may be driven on to a toll road at any one time, and prescribe rules for the government of the draws or swings and attendance of the same, and prescribe penalties for the disobedience of such rules.

SECTION 14. The person or persons, company or corporation constructing a bridge under the provisions of this Act may use, in such manner as prescribed by the Board of County Commissioners, so much of any public road on either side of the stream or waters as may be necessary for constructing and maintaining the bridge and toll house or houses.

SECTION 15. All bridges constructed under this Act crossing navigable streams must be so constructed as not to obstruct navigation, and every bridge erected under the provisions of this Act, must have good substantial railing or siding, at least four and one-half (4½) feet high.

SECTION 16. The owner of any toll bridge across any navigable or navigated stream must at all times keep the channel above and below the bridge clear from all deposits occasioned by its erection and prejudicial to such navigation, and is liable to pay to all persons unreasonably hindered or delayed in passing such bridge with rafts or vessels all damages sustained thereby.

SECTION 17. At any time after the completion of any road or bridge constructed under the provisions of this act the county within which the road or bridge or any part thereof, is located may purchase the same at a fair cash valuation to be fixed by seven Commissioners, all disinterested persons, three to be appointed by the Board of County Commissioners of the county, three by the owner of the road or bridge, and the seventh by the Judge of the District Court, of the District in which said County is situate, who must estimate the fair cash value of the road or bridge and make report thereof under oath, to the Board of County Commissioners. If within three months after filing the report the appraised value thereof is tendered on behalf of the county to the owner of the road or bridge, or his authorized managing agent, in lawful money, the right of the owner to take tolls on the road or bridge is terminated, and the road becomes the property of the county.

SECTION 18. A majority of the Commissioners mentioned in the preceding section constitutes a quorum, and the concurrence of a majority in making the estimate and award is binding upon the owner of the road or bridge if approved by the Board of County Commissioners. The Commissioners must make their report within thirty days after their appointment, and if approved, the tender of the amount of the appraisement and award must be made by the County Treasurer; whether the owner conveys the road or bridge to the County or not,

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the report and tender operate as a conveyance to the County of the road or bridge and all its incidentals and appurtenances.

SECTION 19. Any person, company or corporation, being a party to any proceeding under this Act, may appeal to the District Court of the proper county from any order made by the County Commissioners under section 13 hereof, as well as from any award which may be made under the provisions of this Act. Said appeal shall be taken by serving a notice of such appeal upon the adverse party, and filing the original with the Clerk of the Board of County Commissioners, and also by filing with the same officer a good and sufficient Bond in the sum of Three hundred Dollars to be approved by the Chairman of the Board of County Commissioners, conditioned for the prosecution of said appeal with effect and for the payment of all costs that may be awarded on the appeal not exceeding Three hundred Dollars. Said bond and notice to be filed within ten days from the making of such order or rendering of such award, and thereupon all papers, records, and proceedings had and done in relation thereto, shall be by said Clerk of the Board of County Commissioners forthwith transmitted to the Clerk of the District Court of the proper County, and thereafter the same shall be heard *de novo* and said District Court shall have full power to make and enter such order, award or judgment as the Board of County Commissioners or other Commissioners authorized by this Act might or could make in the first instance.

SECTION 20. Costs may be allowed or not, and if allowed may be apportioned between the parties on the same or adverse sides, in the discretion of the Court.

SECTION 21. Any person or persons who shall in any way obstruct or interfere with any toll road or bridge constructed or operated under the provisions of this Act, shall be guilty of a misdemeanor and upon conviction thereof in any Court of competent jurisdiction shall be punished by a fine of not less than ten or more than one hundred dollars, or by imprisonment in the county jail for not less than ten or more than thirty days, or by both such fine and imprisonment in the discretion of the Court.

SECTION 22. All Acts or parts of Acts which are in conflict or inconsistent with this Act, are hereby repealed.

SECTION 23. This Act shall take effect from and after its passage and approval.

APPROVED Mch. 2, 1893.

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An Act Entitled "An Act Relating to the Purchase, Consolidation, Lease, Sale and Aiding Railroads in Certain Cases and Ratification of Prior Sales and Consolidations".

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Any railroad company now or hereafter incorporated pursuant to the laws of this State, or of the United States or of any State or Territory of the United States may at any time, by means of subscription to the capital stock of any other railroad company, or by the purchase of its stock or bonds, or by guaranteeing its bonds, or otherwise, aid such company in the construction of its railroad within or without this State; and any company owning or operating a railroad within this State may extend the same into any other State or Territory, and may build, buy, lease, or may consolidate with, any railroad or railroads in such other State or Territory, or with any other railroad in this State, and may operate the same, and may own such real estate and other property in such other State or Territory as may be necessary or convenient in the operation of such road; or any railroad company may sell or lease the whole or any part of its railroad or branches within this State, constructed or to be constructed, together with all property, and rights, privileges and franchises pertaining thereto, to any railroad company organized or existing pursuant to the laws of the United States or of this State or of any other State or Territory of the United States; or any railroad company incorporated or existing under the laws of the United States or of any State or Territory of the United States, may extend, construct, maintain and operate its railroad, or any portion or branch thereof, into and through this State, and may build branches from any point, or such extension to any place or places within this State; and the railroad company of any other State or Territory of the United States which shall so purchase or lease a railroad, or any part thereof in this State, or shall extend or construct its road or any portion or branch thereof in this State, shall possess and may exercise and enjoy, as to the control, management and operation of the said road, and as to the location, construction and operation of any extension or branch thereof, all the rights, powers, privileges and franchises possessed by railroad corporations organized under the laws of this State, including the exercise of the power of eminent domain. Such purchase, sale, consolidation with or lease may be made or such aid furnished upon such terms or conditions as may be agreed upon by the Directors or Trustees of the respective companies; but the same shall be approved or ratified by persons holding or representing a majority in amount of

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the capital stock of each of such Companies, respectively, at any annual stockholders meeting or at a special meeting of the stockholders called for that purpose, or by approval in writing of a majority in interest of the stockholders of each company respectively, Provided, that nothing in the foregoing provisions shall be held or construed as curtailing the right of this State or the Counties through which any such road or roads may be located, to levy and collect taxes upon the same and upon the rolling stock thereof, in conformity with the provisions of the laws of this State upon that subject; and all roads or branches thereof in this State, so consolidated with, purchased or leased, or aided or extended into the State, shall be subject to taxation and to regulation and control by the laws of this State, in all respects the same as if constructed by corporations organized under the laws of this State; and any corporation of another State or Territory or of the United States, being the purchaser or lessee of a railroad within this State, or extending its railroad or any portion thereof into or through this State, shall establish and maintain an office or offices in this State at some point or points on its line, at which legal process and notice may be served, as upon railroad corporations of this State; Provided further, that before any railroad corporation organized under the laws of any other State or Territory or of the United States shall be permitted to avail itself of the benefits of this Act, such corporation shall file with the Secretary of State a true copy of its charter or articles of incorporation.

SECTION 2. Any consolidation by sale or otherwise, or any lease or agreement to sell, consolidate with or lease the whole or any part of any railroad and its branch lines organized under the laws of this State, with the franchise appertaining thereto to any railroad company organized or existing under the laws of the United States or of this State or any other State or Territory, or any consolidation between such companies organized under the laws of the United States or of this State, or of any other State or Territory, and a corporation organized under the laws of this State, heretofore executed by the proper officers of the companies, parties to such sale, lease or consolidation or contract, is hereby legalized and made in all respects valid and binding from the date of its execution.

APPROVED Mch. 4, 1893.

An Act to Provide for the Appointment, Terms of Office, Powers, Duties and Compensation of the State Board of Education.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The State Board of Education shall consist of eleven

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members, of which number the Governor, State Superintendent of Public Instruction and Attorney General shall be ex-officio members.

SECTION 2. The Governor shall appoint by and with the advice and consent of the Senate, the remaining eight members of said Board. The persons first appointed under the provisions of this Act, shall hold their office for the following terms, viz: Two shall be appointed for the term of two years from the first day of February, 1893; two for the term of three years from the first day of February, 1893; two for the term of four years from the first day of February, 1893, and and two for the term of five years from the first day of February, 1893. Their successors shall be appointed for the term of four years, and until their successors are appointed and qualified.

SECTION 3. The persons so appointed as members of the State Board of Education shall, before entering upon the duties of their office, take and subscribe the constitutional oath of office prescribed for civil officers, which shall be filed in the office of the Secretary of State.

SECTION 4. The Governor shall be the President of said Board, and the State Superintendent of Public Instruction shall be the Secretary thereof. The State Treasurer shall be the Treasurer of the Board.

SECTION 5. A majority of the said Board shall constitute a quorum for the transaction of business.

SECTION 6. The Board shall hold semi-annual meetings at the State Capitol on the first Monday of June and December in each year and may hold special meetings at any time and place they may direct. The President and Secretary of the Board may also call meetings of said Board at any time and place, if in their judgment, the necessity requires it.

SECTION 7. The powers and duties of said Board shall be as follows:

First: They shall have the general control and supervision of the State University and the various other State Educational Institutions.

Second: To adopt rules and regulations not inconsistent with the Constitution or laws of this State for its own government, and proper and necessary for the due execution of the powers and duties conferred upon them by law.

Third: To prescribe rules and and regulations for the government of the various State Educational Institutions.

Fourth: To grant diplomas to graduates of the State University and other State Educational Institutions, upon the recommendation of the faculties thereof, and may confer honorary degrees upon persons

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other than graduates, upon recommendations of the faculty of any of said institutions.

Fifth: To adopt and use in the authentication of its acts an official seal.

Sixth: To grant State diplomas valid for six years, and life diplomas.

Seventh: To keep a record of the proceedings.

Eighth: To make an annual report on or before the first day of January, which shall be printed under the direction of the Board.

Ninth: To receive from the State Board of Land Commissioners or other Boards, or persons, or from the government of the United States, any and all funds, incomes and other property to which any of the said Institutions may be entitled and to use and appropriate the same for the specific purpose of the grant or donation, and none other; and to have general control of all receipts and disbursements of any of said Institutions.

SECTION 8. State diplomas may be issued to such persons only as have a good moral character and who have held for one year and still hold in full force and effect a first grade county certificate, with the addition of English Literature and Mental Philosophy and who shall furnish satisfactory evidence of having been successfully engaged in teaching for at least five years. The term "five years" shall be construed to mean, for five years of not less than seven month each; that is the applicant must have taught a part of each year for five years—not necessarily consecutive years—and in all thirty-five months, of which at least twenty-one months must have been in the Public Schools of Montana.

SECTION 9. Life diplomas may be issued upon all and the same conditions as State diplomas, except that the applicant must pass a satisfactory examination upon the rudiments of botany, geology, political economy, zoology, and general history, and must furnish satisfactory evidence of having been successfully engaged in teaching for at least ten years. Ten years shall be construed to mean ten years of not less than seven months each; that is, the applicant must have taught some part of each year for ten years—not necessarily consecutive years—and in all seventy months, of which at least twenty-one months must have been in the public schools of Montana.

SECTION 10. A State or life diploma may be granted to any graduate of the State Normal School of Montana or of the State University of Montana when the said graduate furnishes satisfactory evidence of having successfully taught, after graduation, a public school in this State for sixteen school months. State or life diplomas

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may also be granted to graduates of other Educational Institutions within or without the State, upon conditions established by said State Board of Education.

SECTION 11. Any State or life diploma may be revoked by the State Superintendent for incompetency or immoral conduct; but before any such revocation, the holder shall be served with a written statement of the charges against him, and shall have any opportunity for defense before said State Board of Education.

SECTION 12. The members of said Board shall receive no compensation for their services but shall be allowed their actual traveling expenses incurred in attending the meetings of the Board, which expenses and all other expenses on the certificate of the Secretary of the Board, shall be audited and approved by the State Board of Examiners, and paid by warrant of the State Auditor on the State Treasurer.

APPROVED Mch. 1, 1893.

An Act to Create a State Board of Charities and Reform, and Define Its Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. To the end that the administration of public charity and correction may be conducted upon sound principles of economy, justice and humanity, and that the relations between the State and its dependent and criminal classes may become better understood, there is hereby created a State Board of Charities and Reform.

SECTION 2. That the said Board shall consist of three members, who shall be nominated by the Governor, and confirmed by the Senate, and shall hold their offices for the term of six years and until their successors are appointed and qualified, except that at the first appointment, the term of one member shall be fixed for two years, of another for four years, and of another for six years. Where any vacancy shall occur in the Board during the recess of the Senate, by resignation, death, or otherwise, the Governor shall appoint a new member to serve for the residue of the unexpired term.

SECTION 3. The Board shall meet in the office of the Secretary of State within sixty days after their appointment to organize and transact such other business as may be necessary to carry into effect the provisions of this act. They shall afterwards meet in October, or before the 15th day, and in January on or before the 10th day in each year; and they may hold such other meetings as they may decide upon.

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SECTION 4. The officers of the Board shall consist of a president and secretary to perform the duties usually devolved upon such officers. The president and secretary shall be elected at the annual meeting to be held on or before the 15th day of January, and shall serve until their successors are elected.

SECTION 5. It shall be the duty of the Board to investigate and supervise the whole system of the Charitable and Correctional institutions supported by the State or receiving aid from the State Treasury, by personal visits to such, making themselves familiar with all matters necessary to be understood in judging of their usefulness and of the honesty and economy of their management; and it shall be their duty to recommend such changes and additional provisions as they may deem necessary for their greater economy and efficiency.

SECTION 6. It shall be the further duty of the Board to commence and to conduct a course of investigation into the condition of poor houses in the State, personally visiting and inspecting them from time to time, ascertaining how many persons of each sex are therein maintained, at what cost, and under what circumstances, as to health, comfort, and good morals; how many insane persons are therein confined, and whether such arrangements are made for their care as humanity demands; also how many idiotic persons are therein supported; also how many poor children the said poor houses contain and what provision is made for their suitable care and education. They shall also collect statistics as to the number of the poor who are supported or relieved by towns or otherwise at the public expense, outside of poor houses, the cost at which support or relief is furnished, and any other important facts therewith connected. They shall also enquire to what extent the provisions of the law in regard to binding out poor children are complied with; and in general they shall seek to collect such facts as may throw light upon the adequacy and efficiency of existing provisions for the support and relief of the poor, and any causes operating to increase or diminish the amount of pauperism in the State, or to place the burden of relieving it where it does not properly belong.

SECTION 7. It shall be the further duty of the Board to commence and conduct a course of investigation in regard to jails, city prisons, Houses of Correction, and other places in the State in which persons convicted or suspected of crime, or any insane persons are confined, ascertaining by visits or otherwise, their sanitary condition, their arrangement for the separation of hardened criminals from juvenile offenders, and from persons suspected of crime or detained as witnesses; also whether any useful employment is furnished for prisoners,

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whether the insane are treated with due regard to humanity, and what efforts are put forth for the reformation of criminals; and in general they shall endeavor to ascertain for the information of the legislature, any important facts or considerations bearing upon the best treatment of criminals, and the diminution of crime.

SECTION 8. The Board shall have full power at all times to look into and examine the condition of the institutions and establishments referred to in this act, to enquire into and examine their methods of treatment, instruction and government and management of their inmates, the official conduct of trustees, managers, directors, superintendents, and other officers and employees of the same, the condition of the buildings, grounds, and other property connected therewith, and into all other matters pertaining to their usefulness and good management; and for these purposes they shall have free access to all parts of the grounds and buildings and to all books and papers of said institutions and establishments; and all persons now or hereafter connected with the same are hereby directed and required to give either verbally or in writing, as the Board may direct, such information and to afford such facilities for inspection as the Board may require.

SECTION 9. On or before the 15th day December in each year the Board shall present to the Governor a report of their proceedings and of their expenses under the Act. Said report shall contain a concise statement of the condition of each of the charitable and correctional institutions supported by the State or receiving aid from the State Treasury, together with their opinion of the appropriation proper to be made, for each, for the following year. It shall also embody the results of their investigations during the year in regard to the support of the poor, and the treatment of criminals, and shall also contain any information, suggestions or recommendations which they may choose to present upon the matters by this Act assigned to their supervision and examination. One thousand (1000) copies of this report shall be printed by the State printer in the same manner as those of State officers are printed for the use of the Board, and of the legislature.

SECTION 10. All members of the Board, and the secretary of the Board, are hereby prohibited from being interested, directly or indirectly, in any contract or arrangement for building, repairing, furnishing, or providing any supplies of either of the institutions placed under their supervision.

SECTION 11. The members of the Board shall receive no compensation for the services rendered under this Act. Upon filing with the State Board of Examiners sworn statements of the amount of the

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expenses actually and necessarily incurred by them in carrying out the other provisions of this act, they shall have the amount of said expenses refunded to them from the State Treasury, and the State Auditor is hereby authorized and required to draw his warrant on the State Treasurer for the amount of expenses so incurred and proven. And there is hereby appropriated out of any money in the treasury, not otherwise appropriated a sum sufficient to comply with the provisions of this Act. The Board shall be supplied with all necessary stationery, blanks, printing, postage stamps, stamped envelopes for their own use, and for the use of their secretary, in the same manner in which State officers are now supplied with these articles. And there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum sufficient to comply with the provisions of this Act, not to exceed one thousand ($1000) Dollars in amount for any one year.

APPROVED Mch. 9, 1893.

An Act to Establish a Bureau of Agriculture, Labor and Industry, and Provide for the Appointment of a Commissioner Thereof and Define His Duties.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That a Bureau of Agriculture, Labor and Industry is hereby created and established in and for this State whose Executive Officer shall be a Commissioner, appointed by the Governor; a chief clerk who shall be appointed by the Commissioner. Said Commissioner shall be appointed on or before the first day of May, A. D. 1893, and his term of office shall be for four years; he may be removed by the Governor for incompetence, neglect or malfeasance of office. Said Commissioner shall execute a bond in the penal sum of five thousand dollars, to be approved by the Governor, and filed with the State Auditor for the faithful performance of his duties.

SECTION 2. The Commissioner shall collect, assort and arrange, systematize and present in an annual report to the Governor, on or before the first day in December in each year, statistical details relating to all departments of labor in the State of Montana, especially in relation to the agricultural, commercial, mining, manufacturing, educational and social interests and sanitary condition of the laboring classes and to the prosperity of all the productive industries of the State. He shall open correspondence with Bureaus of Emigration, Boards of Trade and other organizations in the United States, who are willing to

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assist in disseminating information in regard to the climate and productive resources of Montana, and its desirableness as a home for the worthy emigrant. He shall furnish facts relating to the public lands and methods and costs of securing them, costs of labor and living, railroad rates, access to markets, prices of products; he shall arrange for such reasonable rates for transportation from railroads, steamships and other lines of transfer, as will be most conducive to the best interests of the State and the emigrant. He shall correspond with Emigrant Gazeteers and other literary and news journals. He shall advertise rates of transportation to Montana in one or more journals published in New York, Chicago and one in San Francisco.

SECTION 3. The Commissioner shall have the power to administer oaths, have and use a seal, with power to send for persons and papers, to examine witnesses under oath, to take depositions or cause the same to be taken by anyone authorized to take depositions and be governed by the same rules that prevail in taking depositions in Courts of law, and said Commissioner may deputize any male citizen over the age of twenty-one years to serve subpœnas upon witnesses who shall be summoned in the same manner and paid the same fees as witnesses before a District Court, and any person or owner, operator or lessee of any mine, factory, workshop, smelter, mill, warehouse, elevator, foundry, machine shop, or other manufacturing establishment, any agent or employe of such owner, operator, manager or lessee, who shall refuse to said Commissioner admission therein for the purpose of inspecting or who shall when requested by him wilfully neglect or refuse to furnish to him any statistics or other information relative to his lawful duties, which may be in their possession or under their control, or who shall wilfully neglect or refuse for thirty days to answer questions by circular or upon personal application, or who shall knowingly answer any such question untruthfully or who shall refuse to obey any such subpœnas and give testimony according to the provisions of this Act (provided that no witness shall against his will be compelled to answer any question respecting his private affairs) and (provided that no person shall be required to go out of the county in which he resides to give evidence) shall for every such wilful neglect or refusal be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty ($50) nor more than One hundred ($100) Dollars.

SECTION 4. The Commissioner of said Bureau shall receive an annual salary of Three Thousand Dollars ($3,000) and the chief clerk an annual salary of Fifteen hundred Dollars ($1,500).

SECTION 5. The office of said Commissioner shall be at the

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Capital of the State, where all the books, records and statistics of the Bureau shall be kept. The rent, salaries and other expenses of said office shall be paid by the State in the same manner as is provided by law for the payment of the salaries and expenses of the other State officers.

SECTION 6. The Commissioner may employ such assistants and incur such expense as may be necessary in the discharge of the official duties of said Bureau, provided such expense including pay of Commissioner, Chief Clerk and Assistants, shall not exceed Six thousand Dollars ($6,000) in each year. Such assistants shall be paid for their services such compensation as the Commissioner may deem just; but no such assistant shall be paid more than four ($4) per day in addition to his necessary traveling expenses.

SECTION 7. A census of the inhabitants of the State shall be taken on the first day of May, A. D. 1895, and every ten years thereafter under the direction of the Commissioner of the Bureau of Agriculture, Labor and Industry, and shall contain a special enumeration of the legal voters residing in each ward of the several cities, each town and each county.

SECTION 8. In taking census the following particulars shall be ascertained and enumerated in the separate columns of the schedule, to-wit:

First. Dwelling houses numbered in the order of visitation.

Second. Families numbered in the order of visitation.

Third. Name of each person in the family or dwelling.

Fourth. Age of each person, one year old and upward.

Fifth. Sex of each person.

Sixth. Color of each person, whether white, black, mulatto, mongolian or indian.

Seventh. Place of birth, naming State, Territory or Country.

Eighth. Condition, whether single, married, or widowed.

Ninth. Profession, trade or occupation of every person over fifteen years of age.

Tenth. Persons over twenty years of age who cannot read or write.

Eleventh. Whether deaf and dumb, blind, insane, idiotic, pauper or convict.

Twelfth. Ratable polls.

Thirteenth. Legal voters.

Fourteenth. Naturalized voters.

The census shall be taken by such of the deputies of the several counties as said Commissioner shall appoint, or by assistants appointed

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by said Commissioner under the provisions of the following section.

SECTION 9. Such deputies and assistants shall be sworn and shall make out at length a return of the aggregates and results of said census, and shall sign and make oath to the truthfulness thereof; and a certificate of the administration of the oath shall be annexed thereto. They shall on or before the first day of September of the same year transmit the returns to the office of the said Commissioner.

SECTION 10. Said Commissioner may appoint assistants other than the deputies to take the census of the City or town; such assistants shall be inhabitants of such city or town. The number of such assistants appointed in a city or town shall not exceed one for every fifteen hundred polls therein; and shall be as many less as may, in the opinion of said Commissioner be adequate for the duty; but at least one person may be so appointed within each town with a population of five hundred.

SECTION 11. Said Commissioner shall on or before the first day of May each year in which the census is to be taken, transmit to the deputy or assistant so appointed, printed forms for the returns required by the preceding section with such instructions as said Commissioner may deem necessary, and notice that returns must be made into the office of said Bureau on or before the first day of September of the same year.

SECTION 12. It is hereby made the duty of the Secretary of State upon the requisition of the Commissioner to furnish all blanks and books that are necessary to take the census as herein provided, on or before the first day of May, 1893, and in like manner to furnish all stationery, furniture and equipment for the office of said Commissioner.

That the duties required of the State Auditor and Assessors of the several counties of the State as presented in Chapter CX, of the fifth division of the Compiled Statutes of Montana for the collection of statistics shall devolve upon and become the duties of the Commissioner and his deputies and assistants.

SECTION 13. Said Commissioner after he has gathered the facts as called for by this Act, shall prepare and cause to be printed true abstracts of the same for the use of the Legislature; and shall make returns of the aggregate results of the census as to population and voters into the office of the Secretary of the State.

SECTION 14. He shall prepare for the census so furnished an abstract arranged by counties, showing the number of legal voters in each town, and in each ward of the several cities, and shall submit the the same to the Legislature within the first ten days of the biennial session following the taking of such census.

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SECTION 15. If any deputy or assistant appointed under the provisions of this Act, wilfully refuse to perform any duty required of him by this Act, he shall forfeit and pay a sum not exceeding Five hundred Dollars ($500), and if he is guilty of wilful deceit or falsehood in the discharge of his duty, he shall forfeit and pay a sum not exceeding Two Thousand Dollars ($2000) or be imprisoned for (not) more than one year or both.

SECTION 16. In each of the cities and towns of the State an enumeration of the legal voters residing in each street, avenue or square shall be made by deputies or assistants as herein provided, who shall be sworn to a faithful performance of their duties as provided by this enactment. These deputies or assistants shall make out at length a return of the aggregate and results of the said census, and shall sign and make oath to the truth thereof, and a certificate of the administration of the oath shall be annexed thereto. Said oath may be administered by any one authorized to administer an oath. They shall on or before the first day of September of the year in which such census is taken, deliver duplicate returns to the City Clerks, who shall retain one of said duplicates and transmit the other to said Commissioner, on or before the first day of said September.

SECTION 17. There shall be allowed and paid out of the Treasury of the State upon certificate of the Commissioner of the number of days service performed in said duty, to each deputy or assistant appointed under the provisions of this Act, the compensation allowed by law to deputies or assistants employed in taking the census throughout the State, which shall be Three Dollars ($3) for each day actually employed in such service. The account of each person so employed shall be verified by affidavit, and shall not be paid unless approved by the Commissioner.

SECTION 18. The State Board of Examiners shall audit and approve the accounts of the said Commissioner.

SECTION 19. That section 1975 of the fifth division of the Compiled Statutes of Montana, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SECTION 20. This act shall take effect from and after its passage.

APPROVED Feby. 17, 1893.

An Act to Provide for the Care, Keeping, Maintaining, Custody and Control of Convicts for the State.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Board of State Prison Commissioners consists

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of the Governor, the Secretary of State and the Attorney General; and has such supervision of all matters connected with the State Prison as is provided for in this Act.

SECTION 2. The Governor is the President, and the Secretary of State the Secretary of the Board; and any two thereof are a quorum, with full power to transact any business that may be required of such Board.

SECTION 3. The Board has the power to employ a clerk at a salary of Twelve Hundred Dollars per annum. It is the duty of the Board, or the Secretary thereof, to cause to be kept in a book or books to be kept for that purpose a full and complete account of all the transactions and proceedings of the Board. The Board shall also cause to be kept at the State Prison, a book wherein shall be recorded the name, nativity, age, height, weight, occupation, County convicted in, crime charged, term, date of sentence, date of incarceration, expiration of sentence without good time, expiration of sentence with full good time, of all prisoners therein confined, and shall cause to be kept in the office of the Board, such records as will enable the Board or any member thereof to ascertain the name of every prisoner confined in the State prison, and such other facts as in the judgment of the Board may be necessary in order to have before them a full and complete record of every prisoner confined, together with the costs of maintaining the same per month and the expenses incurred in the erection and improvements of buildings upon the prison grounds.

SECTION 4. The board of State Prison Commissioners has full control of the State Prison grounds, buildings, prison labor and prison property; has power to purchase or cause to be purchased all raw material and tools necessary for any manufacturing purposes carried on at the said prison; and to sell all manufactured articles and collect the money for the same. The Board has power to make all needful rules and regulations in regard to the management of the prison, the care, custody, control and discipline of the convicts and the conduct of the guards and all persons connected with the prison.

SECTION 5. The Board is hereby authorized and empowered to invite by publication sealed proposals for the custody and maintenance of all prisoners confined in the State Prison, for the period of two (2) years, in accordance with such rules as may now or hereafter be adopted by said Board for the proper custody, care and maintenance of all persons sentenced to imprisonment in the State Prison within this State, which publication shall be made in two newspapers published in the State of Montana; such publication shall be at least thirty days before any contract shall be made by the Board by virtue

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of this Act. All proposals tendered in pursuance of said publication shall be accompanied by a certified check upon some national bank in the sum of One Thousand Dollars to be forfeited if the contract shall be awarded upon such proposal and the person or persons making the proposal shall fail to execute a bond and enter into a contract in pursuance of the terms of such proposal within ten days after such contract is awarded. In case of acceptance of any proposal and the making of a contract in pursuance thereof; the bond to be given by the contractor or contractors to the State of Montana, shall be in the sum of Fifty thousand Dollars, and it shall be conditioned for the faithful performance of the terms of the contract, provided however, that the prisoners shall be kept confined and maintained within the Prison.

SECTION 6. The Board of State Prison Commissioners shall canvass all proposals received in accordance with said publication and are hereby authorized and empowered to contract on behalf and in the name of the State of Montana with the lowest and best bidder for the care, custody and maintenance of such prisoners in accordance with the requirements published, as aforesaid; but the Board shall have and shall reserve the power to reject any and all such proposals. Such contract shall require the person or persons entering into the same to receive all persons convicted of any crime and delivered to him or them in accordance with the law, and to keep, maintain and treat them in accordance with the rules prescribed by said Board and shall specify the compensation per day agreed upon for each of such prisoners.

SECTION 7. The Board shall have power at any time, and it shall be made one of the terms and conditions of the contract, to enter and assume control of the prison, prison grounds and take charge of the prisoners therein whenever they shall find that the prisoners are insecurely confined, guarded, fed, clothed, or improperly cared for, or the terms and conditions of the contract are not performed and complied with.

SECTION 8. In case the Board shall deem it necessary to take charge and control of the Prison and the prisoners therein, the contractor or contractors, as the case may be, shall yield up the possession of the same quietly, and without resistance and turn over to the Board all property belonging to the State as well as all property that may be in their possession in the prison, and upon the prison grounds for the use of the prison of the prisoners therein.

SECTION 9. In case the Board should take such action as is authorized in the two preceding sections and the contractor or contractors, as the case may be, shall have any claim against the State for the care, keeping, custody and control of the prisoners, or should have any claim

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against the State for any property in the prison at the time the same might be taken possession of by the Board, such claim shall be presented to the Board of Examiners of the State and by them audited and passed upon, and if approved, the same shall be a charge against the State, and the Auditor shall draw his warrant in favor of the contractor or contractors in such sum as the State Board of Examiners may audit and approve.

SECTION 10. Before any sum shall be paid under said contract, the account therefor shall be first approved by the Board of Examiners, and, when so approved, it shall be the duty of the State Auditor to draw a warrant for the same upon the State Treasury, payable out of any money appropriated therefor.

SECTION 11. No contract shall be made under the provisions of this Act for a period exceeding two years.

SECTION 12. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

APPROVED Mch. 10, 1893.

An Act Providing for the Location and Establishment of the Agricultural College of the State of Montana, and an Agricultural Experimental Station in Connection Therewith, Enumerating its Objects and Purposes, Dedicating Lands for the Use of the Same, Providing for the Government and Control Thereof, and Accepting and Adopting the Provisions, Donations and Benefits Contained in the Acts of Congress Relating Thereto.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The Agricultural College of the State of Montana is established and located at the City of Bozeman, or within three (3) miles of the corporate limits of said City, upon such tract, or tracts of land, conforming in the aggregate not less than eighty (80) acres, and as much more as shall be selected by the State Board of Education, as hereinafter provided; and said College has for its leading objects and purposes, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the State Board of Education, and any subordinate Boards by such State Board appointed, may prescribe.

SECTION 2. It shall be the duty of the State Board of Education, within ninety (90) days from the date of the passsage of this Act, if then organized but if not organized then within ninety (90) days from the organization of the said Board, to select the site for the definite and permanent location of said Agricultural College of Montana and Agricultural Experimental Station, which site shall be at the City of Bozeman, or within three (3) miles of the corporate limits

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of said City of Bozeman; and said State Board of Education shall at once take steps or proceedings for procuring the title to the tract or tracts of land so selected by them, and they may, and are hereby empowered to enter into contracts in the name of the State of Montana, for the purchase of said tract or tracts of land so selected, and may execute such obligations for the payment of the same as will mature when the probable income from the fund of said Agricultural College and Agricultural Experimental Station, or either of them, will pay for the same. The said State Board of Education are hereby authorized and empowered to accept in the name of the State of Montana, such gifts of land and money as may be tendered to aid in the purchase of said site, and whenever such gifts are sufficient in amount to secure or pay for said site they shall appropriate the same to that purpose, and take the proper and necessary conveyances of said tract or tracts of land in the name of the State. All lands and money acquired, as provided in this section, shall be taken and held for the sole use and benefit of said Agricultural College and said Agricultural Experimental Station.

SECTION 3. The general control and supervision of such College is vested in the State Board of Education, which Board may prescribe all rules therefor.

SECTION 4. The Governor, by, and with the advice and consent of the State Board of Education, may designate and appoint an Executive Board, consisting of five (5) members, at least three (3) of whom shall be residents of the County wherein said institution is situated, which Executive Board shall have the immediate direction and control of the affairs of said College, subject only to the general supervision and control of said State Board of Education. Such Executive Board shall serve during the term of the State Board of Education, unless sooner removed.

SECTION 5. The Executive Board is authorized to choose and appoint a President and Faculty of said College, who shall serve as such, for such time, and receive such compensation as the said Executive Board may prescribe, subject to the approval of the State Board of Education.

SECTION 6. The Executive Board shall appoint a Secretary thereof, who may also act as Treasurer of said Board and who may not be a member thereof, and such Secretary and Treasurer shall give bond with good and sufficient surety for the faithful performance of his duties as such, and for the faithful accounting for and paying over to the said State Board of Education, to and for the use of said College, all moneys received by him as Treasurer, in such sum as said State Board of Education may prescribe.

SECTION 7. There is also located and established on the lands so

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to be selected by the State Board of Education, in connection with said Agricultural College, and under its direction an Agricultural Experimental Station, to aid in acquiring and diffusing among the people of the State of Montana useful and practical information on subjects connected with Agriculture, and to promote scientific investigation and experiments respecting the principles and application of agricultural science, which Experimental Station is established under and by virtue of the authority contained in the Act of Congress entitled "An Act to establish Experimental Stations in connection with the Colleges established in the several States, under the provisions of an act approved July 2d, 1862, and the said acts supplementary thereto" approved March 2d, 1887, and the provisions, donations and benefits contained in said Act of Congress, and in all other Acts of Congress relating to Agricultural Experimental Stations and Agricultural Colleges, now in force, and all acts supplementary thereto, or amendatory thereof, are by the State of Montana hereby accepted and adopted.

SECTION 8. Said Agricultural Experimental Station is hereby placed under the supervision and control of the State Board of Education, and the Executive or subordinate Board or authority who may be by the Governor, by and with the consent and advice of said State Board of Education, appointed.

SECTION 9. This Act shall take effect and be in force from and after its passage.

APPROVED Feby. 16, 1893.

An Act to Establish, Locate, Maintain, and Govern the University of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby established in this State at the City of Missoula an institution of learning under the name and style of "The University of Montana."

SECTION 2. The government of the University shall be vested in the State Board of Education. The manner of their appointment, their powers, duties, compensation and terms of office shall be as prescribed by law. The State Treasurer shall be the Treasurer of said Board, and perform all the duties of such office, subject to such regulations as the State Board of Education may adopt, not inconsistent with his official duties; and he and his sureties shall be liable on his official bond as State Treasurer for the faithful discharge of such duties.

SECTION 3. The State Board of Education shall have power, and it shall be their duty, to enact by-laws for the government of the

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University in all its departments; to elect a President of the University, and in their discretion a Vice-President, and the requisite number of Professors, instructors, officers and employes, and fix their salaries and terms of each; to determine the moral and educational qualifications of applicants for admission to the various courses of instruction; but no sectarian or partisan test shall ever be allowed or exercised in the appointment of professors, instructors, officers or employes of the University, or in the admission of students thereto, or for any purpose whatever. No instruction, either sectarian or religious or partisan in politics, shall ever be allowed in any department in the University. The State Board of Education shall have power to regulate the course of instruction and prescribe the text books and authorities to be used in all the departments, and may confer such degrees, and grant such diplomas as are usual in Universities; and may confer the usual honorary degrees upon other persons than graduates of the University in recognition of their learning, or devotion to literature, art or science, as may be recommended by the Faculty of the University.

SECTION 4. The immediate government of the several colleges of the University shall be intrusted to their respective Faculties; but the State Board of Education shall have the control of all books, records, buildings, grounds, and all other property of the University.

SECTION 5. The President of the University shall be the President of the General Faculty, and of the special Faculties of the several departments or colleges and the Executive head of the institution in all its departments. As such officer he shall have authority, subject to the State Board of Education to give general direction to the instruction, practical affairs and scientific investigations of the several colleges, and as long as the interests of the institution require it, he shall be charged with the duties of one of the Professorships. He shall perform the duties of a Corresponding Secretary for the University. He shall, annually, on or before the fifteenth day of December in each year, make a report to the State Board of Education, showing in detail the progress and condition of the University during the previous year, the number of professors and students in the several departments and classes, the nature and results of all important experiments and investigations, and such other matters, relating to the proper government, and educational work of the institution as he shall deem useful.

SECTION 6. The object of the University of Montana shall be to provide the best and most efficient manner of imparting to young men and women, on equal terms, a liberal education and thorough knowledge of the different branches of literature, science and the arts, with

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the varied applications, and to this end there shall be established the following colleges or departments, to-wit:

First. A preparatory department.

Second. A department of literature, science and the arts.

Third. Such professional and technical colleges as may, from time to time, be added thereto or connected therewith. The preparatory department may be dispensed with, at such rate and in such wise as may seem just and proper to the State Board of Education.

SECTION 7. Such duties or courses of instruction shall be pursued in the preparatory department as shall best prepare the student to enter any of the regular colleges or departments of the University. The college or department of Literature, Science and the Arts shall embrace courses of instruction in mathematical, physical and natural sciences, with their application to the industrial arts; a liberal course of instruction in the languages, literature, history and philosophy, and such other branches as the State Board of Education may prescribe. And, as soon as the income of the University will allow, and in such order as the demands of the public seem to require, the said courses of instruction in the sciences, literature and the arts shall be expanded into distinct colleges or departments of the University, each with its own Faculty and appropriate title.

SECTION 8. The University shall be open to students of both sexes, under such regulations and restrictions as the State Board of Education may deem proper. All able-bodied male students of the University may receive instruction and discipline in military tactics, the requisite arms of which shall be furnished by the State.

SECTION 9. Tuition shall ever be free to all students who shall have been residents of the State for one year next preceding their admission, except in the Law and Medical departments, and for extra studies. The State Board of Education may prescribe rates for tuition for any student in the Law or Medical Departments, or who shall not have been a resident as aforesaid, and for teaching such studies.

SECTION 10. Any person contributing a sum not less than fifteen thousand dollars shall have the privilege of endowing a professorship in the University, or any department thereof, the name and object of which shall be designated by the State Board of Education.

SECTION 11. For the support and endowment of the University there is annually and perpetually appropriated:

First, The University Fund Income, and all other sums of money appropriated by law to the University Fund Income.

Second. All tuition and matriculation fees.

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Third. All such contributions as may be derived from public or private bounty.

The entire income of all such funds shall be placed at the disposal of the State Board of Education, by transfer to the Treasurer of said Board, and to be kept separate and distinct from the accounts of the State, and all other funds, and to be used solely for the support of the aforesaid colleges and departments of the University or connection therewith. But all means derived from other public or private bounty shall be exclusively devoted to the specific objects for which they shall have been designated by the donor.

SECTION 12. It shall be the duty of the State Board of Education within ninety (90) days from the date of the passage of this Act, if then organized, but if not organized then within ninety (90) days from the organization of the said Board, to select the site for the definite and permanent location of said University of Montana, which site shall be within three miles of the city limits of the City of Missoula; and they shall, at once, take steps or proceedings for procuring the title to the tract or tracts of land so selected by them, and they may, and are hereby empowered to enter into contracts, in the name of the State of Montana, for the purchase of said tract or tracts of land so selected, and may execute such obligations for the payment of the same as will mature when the probable income of the University Fund will pay for the same. The State Board of Education are hereby authorized and empowered to accept, in the name of the State of Montana, such gifts of land and moneys as may be tendered for a University site or to aid in the purchase of said site; and they shall take the proper and necessary conveyances of said tract or tracts of land in the name of the State, *Provided*, that if such gifts consist of money only or money and land, and the land be not sufficient in amount or not appropriate for a University site, then they shall appropriate such gifts to the payment of said site, and if there be a surplus the same to become a part of the University Fund. *Provided*, that said tract of land shall not be less than forty (40) acres in extent.

APPROVED Feby. 17, 1893.

An Act to Provide for the Location, Incorporation, Establishment, Maintenance, Management and Support of the Montana School of Mines.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. The State School of Mines is hereby established and

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declared to be a body corporate under the name of "Montana State School of Mines" and by that name may sue and be sued, may take and hold real or personal property by gift, bequest, devise, or purchase from the State, and may dispose of the same when authorized so to do by law.

SECTION 2. There shall be a Board of Trustees of said School of Mines, to be composed of five persons, who shall, except as hereinafter provided, hold their office for a period of four years and until their successors are appointed and qualified. Any three of said Board of Trustees shall constitute a quorum for the transaction of business and the said Board shall have such powers and perform such duties as are hereinafter specified.

SECTION 3. The State Board of Education shall within ninety (90) days of the passage of this Act, if such Board shall then be organized, and if not so organized, shall within ninety (90) days after their organization designate and appoint five suitable persons, at least three of whom shall be residents of Silver Bow County; and the persons so appointed by the State Board of Education shall be known as the Trustees of the School of Mines, three of whom shall hold office until Jany 1st, 1896, and two of whom shall hold office until Jany. 1st, 1894, and their terms of office shall be distinctly designated by the State Board of Education.

SECTION 4. Every Trustee hereafter appointed shall, before entering upon the duties of his office, take an oath to support the Constitution of the United States and the Constitution of the State of Montana, and to faithfully perform the duties of his said office of Trustee to the best of his ability and understanding.

SECTION 5. The said Board of Trustees shall have the control and management of the said School of Mines, and of the property belonging thereto, subject to the laws of this State, and to such general control and supervision as shall be vested by law in the State Board of Education, and may make all needful by-laws and regulations for the government of said Board, and for the management and government of said School of Mines, not inconsistent with the laws of this State.

SECTION 6. It shall be the object of such School of Mines to furnish facilities for the education of such persons as may desire to receive special instruction in Chemistry, Metallurgy, Mineralogy, Geology, Mining, Mining Engineering, Mathematics, Mechanics and Drawing.

SECTION 7. The said Board of Trustees are hereby authorized to procure a suitable site at or near the City of Butte, in the County of

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Silver Bow and the State of Montana, for said School of Mines, as hereinafter set out, and to erect suitable buildings thereon, and to procure such machinery and other appliances as may be necessary to carry out the object and intention of such institution and to promote the welfare thereof, whenever the funds provided for the establishment of said School of Mines will warrant the same.

SECTION 8. The said School of Mines shall be open and free for instruction to all bona fide residents of this State without regard to sex or color, and, with the consent of said Board students from other States or Territories may receive an education thereat, upon such terms and at such rates of tuition as the Board may prescribe.

SECTION 9. The Board shall, at their first meeting, and bi-annually (bi-ennially?) thereafter, elect one of their number Chairman of said Board, and shall also appoint a Secretary and Treasurer, either from their own number, or other suitable persons, as they may deem best, and prescribe their duties, and may at any time, in their discretion, remove such secretary or treasurer.

SECTION 10. The State Board of Education, with the advice and consent of the Senate shall, at each regular session of the Legislative Assembly, to be held after the year A. D. 1893, by appointment fill the vacancies in said Board of Trustees occurring either by the expiration of their term of office or otherwise; and any vacancy occurring in such Board of Trustees, when the Legislative Assembly is not in session, may be temporarily filled by the State Board of Education, until the next meeting of the Legislative Assembly.

SECTION 11. The Chairman of the Board of Trustees shall annually, on or before the 10th day of December in each year, make a report to the State Board of Education of the prosperity and condition of said School of Mines, containing such statistical and other information pertaining thereto as he may deem necessary and useful, and also, a detailed statement of the receipts and expenses of such institution.

SECTION 12. The State Board of Land Commissioners are hereby authorized and required to locate all the lands that have been donated by the United States to the State of Montana for the establishment and maintenance of a School of Mines, and report to the next Legislative Assembly the number of acres so located, where situated, their character and estimated value, and shall make a similar report on or before the next meeting of the Legislative Assembly to the Board of Trustees of the School of Mines, and also to the State Board of Education.

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SECTION 13. None of the land located, as required in the preceding section of this Act, shall be sold, except as may be provided by the Legislative Assembly, and whenever the said lands are sold the proceeds of such sale, being for the whole or a part of said lands, shall be paid over to the said Board of Trustees by an order drawn by the President of the School of Mines, countersigned by the Secretary of the Board, the President and Secretary having been so authorized by the Board of Trustees, upon the State Treasurer. All revenue and profits arising from the said lands shall be paid over to the Board of Trustees in like manner. The said Board of Trustees, with the advice and consent of the State Board of Education, shall set apart a certain proportion of the said money whether derived from the sale of said lands or the revenues and profits of said lands, for a building fund, which proportion shall be by the said Board of Trustees used in procuring a suitable site for said School of Mines, and the erection of such buildings and the procuring of such machinery and other appliances as may be necessary to carry out the object and intention of such institution, the residue of said money so paid and arising from the sale of said lands shall be forever kept as a fund for the said School of Mines. No part of the principal of which shall ever be expended for any purpose whatever, but the income of said fund may be used under the direction of the Board of Trustees for the general purposes of the school. No funds of the School of Mines shall ever be directly or indirectly loaned to the Chairman or any of the Trustees, Professors, or other officers of the School. The permanent funds of the school shall be invested by the Board of Trustees, first in bonds of the State of Montana if such are to be had, but if not, then in bonds of the United States, and said funds shall not be invested in any other manner, or upon any other securities whatever.

SECTION 14. All donations of money, securities or other property, shall be conveyed to the Board of Trustees of the School and invested as other funds of the School.

SECTION 15. The said Board of Trustees shall require the Treasurer of the School of Mines to give such bonds as they may deem sufficient to protect said institution against loss of any funds which may come into his hands as such Treasurer, conditioned for the safe keeping and faithful disbursement thereof, and the said Treasurer of the School of Mines, shall not pay out any of the funds which shall come into his hands as such Treasurer, except under the order of the Chairman of the School of Mines, countersigned by the Secretary thereof.

SECTION 16. It shall be lawful for the Professor or President of

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the School of Mines, who shall be appointed by the said Board of Trustees, to charge and collect such reasonable fees for any and all assays and analysis made by them, as the said Board may prescribe, on (an?) account of which shall be kept by said President and paid over monthly to the Treasurer of said School of Mines, which shall become a part of the School of Mines Fund.

SECTION 17. The Board of Trustees are hereby prohibited from creating any debt as against the School of Mines, buildings, machinery or appliances, or in any manner incumbering the same, or of incurring any expense beyond their ability to pay from the annual income of the School of Mines for the current year.

SECTION 18. The Board of Trustees are empowered to select a President and Faculty, and such professors and teachers as may be necessary to properly conduct the said School of Mines, and the President so selected shall be the President of the Faculty and Board of Teachers employed [illegible]

SECTION 19. The Board of Trustees are authorized to accept any donations of land, money or other property offered for the use and benefit of said School of Mines, and to take proper deeds or conveyances of the same in their own name for the sole and exclusive use of said School, such donations, gifts or bequests, to be invested, used and disposed of as other property or funds provided for said School.

SECTION 20. This Act shall take effect from and after its passage and approval.

APPROVED Feby. 17, 1893.

An Act to Establish a State Normal School at Dillon, in the County of Beaverhead, State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there be and hereby is established a State Normal School within two miles of the corporate limits of the City of Dillon, Beaverhead County, Montana, which shall be called the "State Normal School at Dillon."

SECTION 2. The object of said Normal School shall be the instruction and training of teachers for the public schools of the State.

SECTION 3. The control and supervision of such school is vested in the State Board of Education, which must elect a President, all teachers and employes, and prescribe all necessary rules therefor.

SECTION 4. The State Board of Education, herein mentioned, and their successors, shall receive, in the name of the State Normal

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School hereby established, all the benefits, of whatsoever nature, that may be derived from the distribution and selection of lands contemplated in Section 17, of an Act of Congress, approved February 22nd, 1889, entitled "An Act to provide for the division of Dakota into two States, and to enable the people of North Dakota, South Dakota, Montana, and Washington, to form constitutions and State governments, and to be admitted into the Union on an equal footing with the original States and to make donations of public lands to such States."

SECTION 5. Said State Board of Education shall, immediately after their organization, provide for the appointment of a committee having charge and supervision of the construction and erection of such buildings as are necessary and may be provided for by the resolutions of the Board; whose duty it shall be to make all necessary arrangements for the speedy completion of necessary buildings to the end that the school may be at the earliest date, available for the purposes contemplated by this Act.

Any bequests and donations to the State, on account of and for the benefit of the Normal School hereby established, shall be taken in the name of the State, and the deeds thereof duly recorded in the proper county according to law. The State Board of Education shall be in perpetuity; and bequests may be made to them for the benefit and exclusive use of the State Normal School hereby established.

SECTION 6. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

SECTION 7. This Act shall take effect and be in force, from and after its passage.

APPROVED Feby. 23, 1893.

An Act to Create a School for the Deaf and Dumb and Providing for the Location Thereof and Also Providing for the Education and Maintenance of the Blind and Feeble-Minded Therein.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That there be and is hereby created and established to be maintained at or near the Town of Boulder Valley, in the County of Jefferson, in the State of Montana, a school for the deaf and dumb which shall be called by the name of "The State Deaf and Dumb School."

SECTION 2. The object and purpose of said school, shall be and is, to promote the intellectual, physical and moral culture of deaf and

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dumb persons by a judicious, intelligent and well adapted course of treatment, training and education, to the end that they may, in so far as possible, be reclaimed from their unfortunate condition and restored to society, and fitted to discharge the duties, and to enjoy the proper pleasures of human life.

SECTION 3. The management and supervision of said school is vested in the State Board of Education, which shall employ a proper Principal, all Teachers, a Matron, Steward and such other servants and agents as shall be necessary and expedient, and said Board shall prescribe and regulate the duties and fix the compensation of each and everyone thereof, and in the exercise of a proper discretion, discharge any of said employees.

SECTION 4. Said Board shall also make and enforce, such proper rules and regulations, as to the age and terms of the admission of the Deaf and Dumb, as shall be necessary, just and proper.

SECTION 5. All deaf and dumb persons residing in this State of proper age and capacity shall be admitted into, and enjoy the benefit and advantages of said school free of charge.

SECTION 6. Deaf and dumb persons of like age and capacity residing in other States and jurisdictions may be admitted into and enjoy the benefits and advantages of said school upon the payment into the State Treasury of such sum of money as shall be determined upon by said Board of Education, but such non-residents shall not be admitted to the detriment and exclusion of residents of this State.

SECTION 7. No member of the said Board of Education, officer, agent or employee of said school, shall be directly or indirectly concerned or interested in the purchase of supplies for the use of said school.

SECTION 8. The lands heretofore granted by the government of the United States to the State of Montana, for the use and benefit of the deaf and dumb are hereby set apart and declared to be for the use in perpetuity of said school, and all funds arising from the sale or leasing of said lands or any part or portion thereof, shall be sacredly applied to the proper use and benefit thereof, and all donations, gifts, devises or grants, which shall hereafter be made by any person or corporation, to said school, shall rest in the State of Montana for the use and benefit thereof.

SECTION 9. There is hereby created a fund to be known as the "Deaf and Dumb Fund" in which all moneys for the use of said school shall be kept by the State Treasurer.

SECTION 10. It shall be the duty of the State Board of Education within ninety (90) days from the date of the passage of this Act, if

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then organized, but if not organized, then, within ninety (90) days from the organization of the said (Board?) to select the site for the definite and permanent location of the "State Deaf and Dumb School".

SECTION 11. The Governor, by and with the advice and consent of the State Board of Education, may designate and appoint an Executive Board consisting of five (5) members, at least three of whom shall be residents of the County wherein said institution is situated. The said Executive Board shall have of the erection and construction of suitable buildings of said School, and it shall be the duty of the said Board to make all necessary preparations and arrangements for the construction of such buildings to the end that said school may become available for its proper uses and purposes at the earliest date possible.

SECTION 12. That blind and feeble-minded persons may be admitted into said School to be properly treated and educated under such rules and regulations as said Board of Education may make, Provided: that all of the proper expenses of treating, educating and maintaining said blind and feeble-minded persons shall be paid by the State out of the State Treasury, and not out of the "Deaf and Dumb Fund" hereinbefore created.

APPROVED Mch. 1, 1893.

An Act to Provide for the Establishment and Location of a State Reform School, and to Appropriate Moneys Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That a Reform School be and is hereby established, to be located at or within three miles of the City of Miles City, in the County of Custer, to be known as the Montana State Reform School.

SECTION 2. Said School to be for the keeping and reformatory training of all youths between the ages of eight and twenty-one years, who are residents of the State of Montana, and who on presentation to the presiding officer of such School, by an accompanying officer, parent, or guardian, shall be accompanied by a certificate of commitment from a Court legally authorized to make such commitment.

SECTION 3. The Governor shall on or before the first day of April, A. D. 1893, appoint three competent persons who shall constitute a Board of Trustees to be known as the Trustees of the Montana

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State Reform School. He shall notify said Trustees of such appointment as soon as may be, and he shall have power to fill by appointment all vacancies occurring in said Board, whether by death, removal, resignation, or expiration of term of office, and he shall further have power to remove for good and sufficient cause anyone or all Members of said Board.

SECTION 4. As soon as notified of such appointment each Member of the Board of Trustees shall before entering upon the duties of his office, take and subscribe to an oath, before any officer qualified to administer oaths that he will faithfully perform the duties of his office according to law, and he shall give a bond to the State of Montana, in the sum of Ten Thousand Dollars, with good and sufficient sureties, conditioned for the faithful performance of his duties, which bond shall be filed in the office of the Secretary of State.

SECTION 5. As soon as each member of the Board of Trustees shall have complied with the requirements of Section 4 of this Act, they shall meet at the County Seat of the County of Custer, and shall at once organize or elect one of their number President, and one Secretary. Immediately after such organization the Board shall secure a suitable tract of land of not less than five, or more than one hundred acres, on which to erect such buildings and other improvements as may be necessary for the establishment of said School, and shall proceed to purchase the same in the name of the State of Montana. And said Board is hereby authorized to receive in the name of the State, any and all donations, gifts or contributions to said School whether in money, lands, labor, material, or supplies. Immediately upon the purchase of the land as aforesaid under this Act, the Board shall establish a permanent office as near to said tract as may be, and the Secretary shall keep any and all books of the Board, which shall be open for the inspection, and he shall also file with the Secretary of State any and all deeds executed, conveying lands to the State of Montana for the use and benefit of said School. The President shall preside at all meetings of the Board of Trustees, superintend the performance of all contracts for labor and material which have been authorized by the Board; and see that the terms of each contract are faithfully fulfilled, and he shall perform such other duties as the Board may direct.

SECTION 6. On or before the first day of June 1893, the Board of Trustees shall select upon the Lands purchased for the Reform School, a suitable building site and shall proceed to erect thereon necessary buildings according to the provisions of this Act, but no member of this Board shall be either directly or indirectly interested in any

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agreement or contract of any kind connected with the erection of the buildings, furnishing of material, or supplies, of any kind for said School. All contracts for material or supplies of any kind for or connected with said School, at any time or place, shall be let to the lowest responsible bidder, which letting shall be advertised by posting printed or written notices at every Post Office in the County of Custer at least thirty days prior to such letting, the time of opening bids, and awarding of contracts, and also by advertising in at least two leading papers in the State for the same length of time.

SECTION 7. The Board shall as soon as possible adopt plans and specifications, and arrange for buildings and such other improvements as are necessary for the establishment of said School, and shall erect the same as speedily as is consistent with the provisions of this Act, Provided: That such buildings and improvements shall not exceed in cost when completed and ready for occupancy, the sum appropriated for such purpose by this Act.

SECTION 8. All bids for labor, material or supplies shall be made by sealed proposals to the President of the Board, and all advertisements for labor, material, or supplies shall name the nature, character, and amount of same as nearly as may be possible, and shall further specify the nature and amount of bond required of the party to whom the contract is awarded.

SECTION 9. All bills against the State for supplies or material furnished, or labor performed in connection with said School, shall be certified to by the President and Secretary of the Board of Trustees, and said Board shall not certify to any bill or sanction the payment of any account for labor performed, or material or supplies furnished, except the same shall be duly contracted for, and the provisions of the contract fully complied with.

All bills and accounts of said School shall be audited by the State Auditor who shall draw a warrant on the State Treasurer for the amount so certified to by the President and Secretary of the Board which warrant shall state on its face the person in whose favor it is drawn, and for what purpose it is drawn. But the Auditor shall draw no warrants for any bill or account connected with said School except that said bill or account be certified to according to the provisions of this Act.

SECTION 10. The Board shall award each contract to the lowest responsible bidder who shall furnish the required bond with sureties, to be approved by the said Board, Provided: That the Board may reject any and all bids if in its judgment they are too high and shall again advertise for proposals as in the first instance, and Provided,

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further: That should there be but one bid or proposal, the assent of the entire Board shall be necessary to such Contract.

SECTION 11. The Board after the first meeting as provided for in this Act shall meet as often as it may be necessary for the best interests of said School, at the place chosen for its permanent office, and each member shall receive for his services as Trustee Five Dollars per day for each day's attendance at such meeting and ten cents per mile for each mile necessarily traveled in performance of his duties as such officer. Each member of the Board shall serve four years, except in the case of the Board first appointed in which case one shall serve two years, one three years and one four years, and they shall at their first meeting cast lots to determine the length of time each shall serve.

SECTION 12. On the completion of the buildings and improvements as provided for in this Act, the Board of Trustees shall give notice of the same to the Governor whose duty it shall be to give public notice of the same to the State, and the Board shall then employ a competent person (a male) who shall be known as Director of the Montana State Reform School.

It shall be the duty of said Director to take charge of the School, and he shall also have immediate control of the male department of said School, and shall by and with the consent of the Board of Trustees employ a matron, who shall have immediate control of the female department of the School and the Director shall also appoint such other officers and teachers as may be necessary for the management of the School.

SECTION 13. The Salary of the Director shall be One Thousand Five Hundred Dollars per year, and the salary of the matron and other employes of the School shall be fixed by the Board of Trustees.

SECTION 14. The Director before entering upon the duties of his office shall execute and file with the Board of Trustees, a bond with good and approved sureties, in the sum of Five Thousand Dollars, conditioned for the faithful performance of his duties as Director of said Reform School.

SECTION 15. The Director shall be present at all meetings of the Board of Trustees after his appointment and qualification and shall there confer with the Trustees regarding the management and interests of the School, and shall have entire supervision of the School, subject however, to the control of the Board and shall hold his office during the pleasure of the Board.

SECTION 16. It shall be the duty of the Board of Trustees to investigate any and all complaints made against the Director, Matron, or other employe of said Reform School and for good and sufficient

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reason remove the person against whom such complaint shall have been made. The Board shall further investigate any and all charges made by the Director against any inmate or inmates of the School, and if after the investigation of such charges, any inmate or inmates, of said School shall be found incorrigible, unmanageable or detrimental to the best interests of the School, such inmate or inmates, as the case may be, shall be returned to the Court which made the commitment.

SECTION 17. Said Reform School shall consist of two Departments; one for the male and one for the female inmates, and the two departments shall be entirely separated. The Matron shall be directly accountable to the Director for the management of the female department of the School.

SECTION 18. All the branches taught in the public schools of the State shall be taught in the Reform School, and the inmates shall be taught and trained in morality, temperance and frugality, and they shall also be instructed in the different trades and callings of the two sexes as far as possible in the scope of the institution.

SECTION 19. The Board of Trustees shall have full power to regulate the workings of the institution and make such rules for its management and control as may be necessary. Provided: That no rule made by the Board shall be in conflict with the provisions of this Act.

SECTION 20. The Director shall at the close of each year make a full and complete report to the Board of the advancement, number, and standing of the inmates of the School, as well as the number received and the number dismissed during the year, and he shall give such further information as the Board may require.

SECTION 21. The Board shall make a bi-ennial report to the Governor. Said report to contain a complete list of the officers and employes connected with the School, the number of inmates (male and female), the number admitted, and the number dismissed during the period covered by the reports, an account of all expenditures incurred, and for what purpose, and as nearly as possible the advancement made by the inmates. They shall also show the needs of the school as far as buildings and improvements are concerned, and may recommend the passage of any laws they may deem necessary for the benefit of the School.

SECTION 22. For the purpose of carrying into effect the provisions of this Act there is hereby appropriated out of any moneys belonging to the State, not otherwise appropriated the sum of Twenty-Five Thousand Dollars.

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SECTION 23. When a boy or girl of sane mind between the ages of eight and twenty-one years, shall in any Court of Record in this State be found guilty of any crime, except murder or manslaughter, or if for want of proper paternal care is growing up in mendicancy, or vagrancy, or is incorrigible, and complaint thereof is made and properly sustained by evidence, the Court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered for such boy or girl to be sent to the State Reform School in pursuance of the provisions of this Act. A copy of the said order under seal of said Court shall be sufficient warrant for carrying such boy or girl to said School, and for his or her commitment to the custody of the Director thereof.

SECTION 24. When a boy or girl of sane mind between the ages of eight and twenty-one years shall be convicted before a Justice of the Peace or other inferior Court of any crime, mendicany, vagrancy, or incorrigibility it shall be the duty of said Magistrate before whom he or she may have been convicted to forthwith consign such boy or girl, together with all papers filed in his office on the subject, under the control of some officer to the Judge of a Court of Record who shall then issue an order to the parent or guardian of said boy or girl, or such other person as may have him or her in charge, or with whom he or she has last resided, or anyone known to be related to him or her, or if he or she be running friendless, then to such person as the Judge may appoint to act as guardian for the purpose of such case, requiring him or her to appear at the time and place stated in said order to show cause why said boy or girl should not be committed to the State Reform School for training and reformation.

SECTION 25. Such order shall be served by the Sheriff or other qualified officer by delivering a copy thereof personally to the party to whom it is addressed, or leaving it with some person of full age at the place of residence or business of said party, and immediately return shall be made to said Judge of the time and manner of such service. The fees of the sheriff or other officer shall be the same as now, or may hereafter be, allowed by law for like services.

SECTION 26. At the time and place mentioned in such order or at the time and place to which it may be adjourned, if the parent or guardian to which such order may be addressed shall appear then in his or her presence, or if he or she fail to appear, then in the presence of some competent person whom the said Judge shall appoint as Guardian for the purpose of the case, it shall be lawful for the said Judge to take voluntary examination of said boy or girl and to hear a statement of the party appearing for him or her of such testimony in

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relation to the case as may be produced, and if upon such examination or hearing such Judge shall be satisfied that the boy or girl is a fit subject for the State Reform School, he may commit him or her to said school by warrant.

SECTION 27. The Judge shall certify in the warrant the place in which the boy or girl resided at the time of his or her arrest, also his or her age as nearly as may be ascertained, and command said officer to take said boy or girl and deliver him or her without delay to the Director of said School or other person in charge thereof at the place where the same is located and the showing of such certificate for the purpose of this Act shall be conclusive evidence of his or her residence or age. Accompanying this warrant the Judge shall transmit to the Superintendent by the officer executing it, a statement of the nature of the complaint, together with such other particulars concerning the boy or girl as the Judge is able to ascertain. Provided: That the expense of committing said boy or girl so committed to said State Reform School or the returning of him or her to his or her parent, or guardian, after his or her release therefrom shall be at the expense of the State.

SECTION 28. The proceedings before any Judge or Court may be reviewed on writ of error by Superior Court, and proceedings before any State Court or Judge thereof may be reviewed by the Supreme Court in the manner provided by law for reviewing criminal cases in this Court.

SECTION 29. Each boy or girl committed to the State Reform School shall remain there until he or she arrives at the age of twenty-one unless specially paroled or legally discharged. The discharge of any boy or girl having arriving at the age of twenty-one shall be a complete release from all penalty incurred by conviction of the offense for which he or she was committed.

SECTION 30. This Act shall take effect from and after the date of its passage and approval.

APPROVED Mch. 1, 1893.

An Act to Provide a Home for the Care and Education of Orphans, Foundlings and Destitute Children, and to Provide for Its Maintenance and Management.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. There is hereby established to be located and permanently maintained at or within one mile of the Town of Twin

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Bridges, in the County of Madison, a Home for the support and care of orphans, foundlings and destitute children resident within the State of Montana.

SECTION 2. Every orphan, foundling or destitute child, under twelve (12) years of age, shall be entitled to be received into said Home at the expense of the State. Children over twelve (12) years of age and under sixteen (16) years of age, if it be deemed advisable by the Board, may be admitted to the Home.

SECTION 3. Said Home shall be under the supervision of a Board of Trustees, consisting of five persons who shall be appointed by the Governor; three of whom shall hold office for the term of four years, and two for the term of two years, and until their successors are appointed and qualified.

SECTION 4. Said Trustees shall meet at the Town of Twin Bridges in said County of Madison, within one (1) month from the date of their appointment for the purpose of organization. They shall choose one of their members to act as President, another as Treasurer, and the third as Secretary of the Board; three of whom shall constitute a quorum for the transaction of business.

SECTION 5. Said Board of Trustees shall at such meeting select a site for the purpose of erecting a suitable building for said Home, or they may enter into negotiations for the purchase of a suitable building at a price not exceeding seven thousand five hundred ($7,500) Dollars.

SECTION 6. Each member of said Board shall, before entering upon his or her duties, take and subscribe an oath to support the Constitution of the United States, and the State of Montana, and faithfully to discharge the duties required of him or her by the provisions of this Act.

SECTION 7. The President shall preside over all meetings of the Board when present, sign with the Secretary all orders on the Treasurer, and perform such other duties as may be delegated to him by the Board.

SECTION 8. The Secretary shall keep a correct record of all the proceedings of the Board, and have charge of all papers, records, and accounts for the same, except such as are needed by the Treasurer and officers of the Home for their immediate use for the discharge of their duties. He shall also draw and sign with the President all orders on the Treasurer, and the Treasurer shall keep and have in charge all funds of the Home.

SECTION 9. The Treasurer shall pay on the order of the Board all accounts by it allowed, and shall quarterly certify to said Board the

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receipts and disbursements by him made during the preceding quarter. Said Treasurer shall be and is hereby required to give bonds to the State in the sum of Ten Thousand ($10,000) Dollars with good and sufficient security for the same, to be approved by the Governor and Attorney General, and filed in the office of the Secretary of State.

SECTION 10. The Board of Trustees shall have the general supervision of the Home and adopt rules for the goverment thereof not inconsistent with this Act; They may employ a superintendent at a salary not exceeding Fifteen Hundred ($1,500) Dollars per annum, who shall have a personal superintendence of the Home and grounds and perform such duties as may be assigned him by the Board of Trustees. They may employ a matron at a salary not exceeding Six hundred ($600) Dollars per annum.

SECTION 11. The superintendent of the Home shall be a person of acknowledged ability and fitness for his office, and shall sustain a good moral character. He shall have entire control of the educational, moral and dietetic treatment of the inmates and pupils, and shall see that the several employees in the institution faithfully and diligently discharge their respective duties. He shall employ such attendants, nurses, servants, and such other persons as he may deem necessary for the efficient and economical management of the institution, and assign them their respective places and duties. The Superintendent and Matron shall devote their entire time to the interests of the Home.

SECTION 12. The matron, under the direction of the superintendent, and not otherwise, shall have the general supervision of the domestic arrangements of the institution, and do what she can to promote the comfort and welfare of its inmates.

SECTION 13. The Trustees shall afford to all pupils under their charge such literary, technical, industrial and other education as can be made beneficial to them. The Trustees shall have power to establish schools for the purpose of education, and shall also establish and maintain within the grounds of the Home, shops wherein suitable trades may be taught and practiced in a thorough and comprehensive manner, and under their regulation the Superintendent shall have power to employ the proper persons to teach the pupils under their charge, and to dismiss such instructors for cause.

SECTION 14. The Trustees, and, under their regulations, the Superintendent, shall have power to purchase books, material, tools, and machinery necessary to carry out the said purposes, and to dispose of the productions of the pupils to the best advantage of the institution, accounting for the proceeds and expenditures in their annual report; and the trustees may, when, in their opinion, the best interests of any inmates

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would be subserved thereby, secure homes for any of them in private families upon such terms as they may agree upon, reserving the right to replace such children in the Home if they shall deem it for their best interests.

SECTION 15. The Superintendent, under the direction of the board of trustees, shall procure the necessary clothing and provisions, medicines and medical attendance for the inmates of the Home, and make all necessary provisions for the same, so as to fully carry into effect the object and purposes of this act and to the proper maintenance of said Home.

SECTION 16. Whenever, in the opinion of the Board of Trustees more than one hundred ($100) dollars worth of any one article will be needed for the use of the institutions during any one year then it shall be the duty of the Board to advertise for sealed bids to furnish at the institution such articles at such times and in such quantities as the Superintendent may from time to time, direct with good and sufficient surety that such bidder, if the contract be awarded to him, will fulfill and perform the contract on his part; and all such contracts shall be awarded to the lowest bidder, but said Board may reject all bids and readvertise.

SECTION 17. The curriculum of the studies of the Home for those having passed the thirteenth year, shall be such as to assist them most effectually in their future pursuits. The division and assignment into schools, and classes shall be so regulated that the pupils may have the benefit of instruction in approved literary branches, at such hours as would appear to be most practicable, whether given in evening schools, half-time schools, or in schools during certain seasons only.

SECTION 18. Whatever branches of industry the trustees may find proper to introduce, shall be taught and practised in such a thorough and comprehensive manner, that the Orphans' Home shall be considered as a model school for these particular branches; and said Board of Trustees shall have power to make all necessary arrangements to carry into effect the purposes of this Act.

SECTION 19. Said Board of Trustees shall also have power, and it shall be their duty, from time to time, as means shall be provided and placed at their disposal, to provide suitable grounds and buildings, and make purchases or leases thereof for the use of said Home.

SECTION 20. The District Judge of the County of Madison shall, at least twice each year, carefully examine and check up the accounts of the Board of Trustees, Secretary, Treasurer and Superintendent of the Orphans' Home, and if found to be correct in every particular, he

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shall, on the first day of the next term thereafter, cause an order to be entered in the record of Court proceedings of his said Court, to that effect. If the Judge shall find that the accounts have been improperly kept, or that the funds appropriated have not been properly expended or applied, or that the Home has not been managed in accordance with the provisions of this Act, he shall enter such findings in the journal of his said Court, and shall immediately submit to the State Board of Examiners a copy of his findings, who shall proceed to examine into and carefully investigate the management, expenditures and accounts of said Home; and if it shall appear upon such examination that the Board of Trustees, or any member thereof, or any officer of the Home, has embezzled or converted to his own use or has been culpably negligent in keeping the books and accounts of the Home, or the care and custody of the moneys belonging to such Home, or has expended the same improperly or unlawfully, and such findings are approved by the State Board of Examiners, they shall then certify such fact to the Governor who shall immediately remove any and all such Trustees or officers of the Home so offending, and shall appoint others in their places.

SECTION 21. The Board of Trustees shall, on or before the first day of December, in each year, make out and forward to the Governor, a full and complete report which shall show:—

First. A statement of the financial condition of the Home giving in detail the amount of moneys received from all sources and the amount expended, and for what purpose expended.

Second. The value of real estate at date of report and all improvements made, if any, since last report.

Third. The number of children, that have entered the Home, and the number of those who may have left it since last report, and to whom surrendered.

Fourth. The number of deaths, if any, that have occurred in the Home since last report, with the name, age and cause of death.

Fifth. The progress, health and discipline of the children.

Sixth. The number of officers, nurses and teachers employed, with the salary of each.

Seventh. All needful information, touching every point that may be deemed of interest, to be communicated.

SECTION 22. The funds and revenues for the establishment and maintenance of said Home for the payment of its officers, nurses, teachers and employees, and for all purposes incident thereto, or necessary for the proper continuance and successful conduct thereof, shall be appropriated and apportioned in such manner as the Legislative Assembly shall by law provide.

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SECTION 23. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Seven thousand Five Hundred ($7,500) Dollars for the purpose of purchasing a site and erecting or purchasing a suitable building for the said Home, and Eight Thousand ($8,000) Dollars for furnishing and carrying on the work of said Home during the years 1893 and 1894; *provided*, that said appropriations shall not be available until the site for said Home shall have been selected and shall be drawn only upon the order of the Board of Trustees of said Home.

SECTION 24. The State Treasurer shall, under the order of the State Board of Examiners, from time to time as it may be necessary, advance to the Board of Trustees on its order, on a warrant from the Auditor of State, a sum not exceeding the amount herein appropriated. The Board of Trustees shall account to the State Board of Examiners for all and each of said amounts so drawn before another order is approved by said Board of Examiners.

SECTION 25. Any trustee, superintendent, clerk, physician, or matron, who shall conceal, or convert to his or her own use, any money, or other property, belonging to said institution, or belonging to the State, or who shall cheat, or attempt to cheat, or collude with any other person to treat or defraud such institution, or the State, in any manner whatever, shall be deemed guilty of a felony, and on conviction thereof, shall be imprisoned in the State Prison, and kept at hard labor not more than ten years, nor less than one year; and any trustee, superintendent, physician, or matron, who shall be directly or indirectly interested in any contract for the purchase of any building material, or articles of furniture, supplies, provisions for the use of said institution, or for any building or improvement, shall on conviction thereof, be punished by imprisonment in the State Prison at hard labor not less than one nor more than ten years.

SECTION 26. This act shall take effect from and after its passage and approval.

APPROVED Mch. 2, 1893.

An Act to Locate the State Prisons of Montana and to Provide for the Erection and Repairs of Prison Buildings and to Appropriate Money Therefor.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That the Eastern State Prison of the State of Montana, be and is hereby located at the City of Billings, or within a radius of three miles of said City in the County of Yellowstone, State

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of Montana. That the Penitentiary now situated at Deer Lodge in the County of Deer Lodge, State of Montana, be and the same is hereby designated as the Western State Prison of the State of Montana.

SECTION 2. The Governor, Attorney General and Secretary of State, the Board of State Prison Commissioners, shall within sixty days after the passage of this Act proceed to the City of Billings in the County of Yellowstone, and there select a site for said Eastern State Prison consisting of not more than forty acres of land, which site shall be within three miles of said City of Billings and shall include a stone quarry embracing not more than five acres.

SECTION 3. The Board of State Prison Commissioners are hereby authorized and empowered, and it shall be their duty to cause to be commenced on or before the first Monday in July, A. D. 1893, the Building of the Eastern State Prison on the land and at the site selected by the Board of Prison Commissioners in accordance with the provisions of Section 2 of this Act; also to commence the construction of an exterior wall enclosing not less than eight nor more than twelve acres of land around the same.

SECTION 4. The walls of the entire Prison structure shall be erected with stone to be taken from the granite quarries (if any there be) situated on the land selected by the Board, and the said Prison Structure shall be erected, finished and completed as speedily after it is commenced as practicable.

SECTION 5. Said Board of Prison Commissioners shall on or before the first Monday of April, A. D. 1893, cause to be published in a daily newspaper in the City of Helena, County of Lewis and Clarke, and City of Butte, County of Silver Bow, once each week for four consecutive weeks, a notice to receive plans and specifications in detail at a place specified therein for the construction of the Eastern State Prison to be erected on the land and at the site selected by said Board and upon the basis of the accommodation of not less than two hundred prisoners at one time.

SECTION 6. Said Board of Prison Commissioners on or before the second Monday in May, 1893, shall adopt plans and specifications for said State Prison, as aforesaid; and on or before the day last mentioned shall cause to be advertised in a daily newspaper, printed in the City of Butte, County of Silver Bow; in the City of Billings, County of Yellowstone and in the City of Helena, in the County of Lewis and Clarke, once each week for four consecutive weeks, a notice to receive sealed proposals and bids to construct and erect any part or portion of said Eastern State Prison upon the land, and at the site selected by said Board in accordance with the plans and specifications

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which shall have been theretofore adopted by said Board of State Prison Commissioners, for the construction of the same with the reserved right to reject any and all bids as being too high in price, and advertise anew. The Board of Commissioners on or before the first Monday in June A. D. 1893, must let to the lowest responsible bidder the contract to construct and erect such part of said Eastern Prison as said Board of Prison Commissioners, in their discretion may think proper upon conditions that such Contractor or Contractors execute a good and sufficient bond, in double the amount of his or their bids to perform such contract for the constructing and erecting any part of said Prison Structure in a skillful and workmanlike manner, in conformity with the plans and specifications aforesaid, which bond shall be approved by the Board of State Prison Commissioners.

PROVIDED, however, that such contract shall not be let, nor shall the construction of the aforesaid State Prison or of the exterior wall about the same be commenced until the said Board of State Prison Commissioners shall have received a warranty deed conveying to the State of Montana, free of all cost to said State, a good and sufficient title to the aforesaid land, both agricultural and stone, selected by the said Board in accordance with the provisions of Section 2 hereof, said Board of Prison Commissioners shall on or before May first 1893 cause to be advertised in one newspaper published in each of the counties of Deer Lodge, Silver Bow and Lewis and Clarke, once each week for four successive weeks, a notice to receive sealed proposals and bids to make such improvements as they may deem necessary at the Western State Prison to be designated and determined upon within thirty days after the passage (of?) this Act. The Board shall, on or before June first 1893, let a contract for the construction of such improvements to the lowest responsible bidder provided such Contractor execute a good and sufficient bond in double the amount of the bid, to perform such contract, which bond shall be approved by the said Board.

SECTION 7. The Board of State Prison Commissioners are hereby authorized to appoint a superintendent of said Eastern Prison who shall hold his office during the pleasure of the appointing power and until his successor is appointed and qualified, whose duty it shall be to superintend and manage the construction of said prison structure under such rules and regulations as may be prescribed by the Board of State Prison Commissioners under the provisions of this Act.

SECTION 8. All material necessary to be purchased in the construction of said Eastern Prison shall be by contract, and the Board of Prison Commissioners shall cause to be published in a newspaper in

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the County of Yellowstone, and in one or more other Counties, if they shall deem it necessary, a notice to receive bids therefor, and let the same to the lowest responsible bidder, whenever such material or supplies are needed.

SECTION 9. All salaries paid to mechanics or laborers, and all moneys expended for materials, tools or supplies used and in the purchase of said site and the construction of said Eastern State Prison buildings and wall, and all expenses incurred in making said improvements at Western State Prison shall be drawn from the State Treasury in the same manner as moneys are now drawn therefrom for the support and maintenance of the prisoners now confined at the State Prison at Deer Lodge, and the Board of State Prison Commissioners shall cause to be kept a correct account in detail, of all moneys received, expended and disbursed, by them in the building of said Eastern State Prison and improvements at said Western State Prison and shall on or before the first day of December in each year make a full report to the Governor, showing in detail all the transactions connected with the purchase of a site and construction of said Prison.

SECTION 10. The sum of Seventy thousand dollars ($70,000) is hereby appropriated for the year 1893 out of any moneys in the State Treasury not otherwise appropriated for the purpose of carrying out the provisions of this Act, three-fifths to be used for the erection of Eastern State Prison Buildings and two-fifths for improvements and repairs to the Western State Prison Buildings and thirty thousand ($30,000) for the year 1894 is hereby appropriated for the completion of the Eastern State Prison Buildings. And the State Treasurer is hereby directed and required to set such sums apart for said years to the credit of the State Prison fund, subject to the orders and disbursements as hereinbefore provided. Neither the Board of State Prison Commissioners mentioned in Section 1 of this Act nor any one acting under or for said Board shall incur or create any debt or debts, liability or liabilities under the provisions of this Act, nor shall they make any contract or agreement in relation to the building and constructing of the State Prison provided for in this Act, the completion and fulfilment of which will exceed the appropriation made in this Section or in the balance of said appropriation unexpended at the time when such contract or agreement is entered into.

Any violation of the foregoing provisions shall be a misdemeanor, and all such contracts and agreements shall be void.

SECTION 11. All Acts and parts of Acts, so far as the same are in conflict with the provisions of this Act are hereby repealed.

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SECTION 12. This Act shall take effect and be in force from and after its passage and approval.

APPROVED Mch. 3, 1893.

An Act to Create the County of Flathead, to Define Its Boundaries and Provide for Its Organization and Government.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That all that portion of the State of Montana embraced within the following boundaries shall be known as and shall be Flathead County, in the State of Montana, to-wit: Commencing on the forty-ninth parallel of latitude at a point where the same is intersected by the summit of the main range of the Rocky Mountains, thence in a southerly direction following the summit of said mountains to a point where the same meets and is intersected by the eastern boundary line of Missoula County; thence south along said boundary line to latitude forty-seven degrees and thirty-five minutes, thence west along said line of latitude to meridian one hundred and fourteen degrees and thirty-five minutes west, thence north along said meridian to the sixth standard parallel, thence west and along said parallel to meridian one hundred and fifteen degrees west, thence north along said meridian to the forty-eighth parallel of latitude, thence west along said parallel to a point where the same is intersected by the summit of the divide or watershed between the Kootenai and Clark's Fork of the Columbia Rivers, the same being known as the Cabinet range of mountains, thence in a northwesterly direction following the summit of said divide or watershed to the eastern boundary line of the State of Idaho, thence north along said Idaho line to the forty-ninth parallel of latitude, thence east along said parallel to the place of beginning.

SECTION 2. That for Judicial purposes the said County shall be attached to and become a part of the Tenth Judicial District of this State.

SECTION 3. That the Town of Kalispell situated within the boundaries above mentioned shall be the temporary county seat of said County until the permanent county seat shall be designated as hereafter provided and for the purpose of finally fixing and creating the County seat of the County hereby created, the Board of County Commissioners of Flathead County shall cause to be inserted in the official ballots when printed for the general election held the first Tuesday after the first Monday in November A. D. 1894, at the foot of the names of the nominees therein, the following:

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"For the County Seat of Flathead County....."; and the electors when voting at the said general election shall declare their vote upon said proposition by inserting in the blank space upon their ballot herein provided for the name of some one town within said County of Flathead and when the name of a town shall be so inserted in the said space by an elector, and the ballot have been cast as provided by law, the same shall be deemed a vote for the designated town as the place of the County Seat of Flathead County and upon a canvass of the said ballots, the town having the highest number of votes shall be declared by the canvassing board the County Seat of Flathead County which result shall be entered of record in the County Commissioners books, and from the date of such declaration of result the town so elected shall be and remain until lawfully changed, the County Seat of Flathead County.

SECTION 4. That the indebtedness of Missoula County as the same shall exist on the first day of March 1893, shall be apportioned between the County of Missoula and the County of Flathead by first deducting from said indebtedness the amount of all moneys on hand, and all moneys belonging to said Missoula County; and also deducting the value of all real and personal property within and belonging to said County of Missoula on said first day of March 1893, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in each of said Counties, said amount of taxable property to be ascertained and said apportionment and valuation of County property to be made by a commission consisting of the Boards of County Commissioners of Missoula and Flathead Counties and Horace R. Buck, Judge of the First Judicial District of the State of Montana; which said commission shall meet at the Court house in the City of Missoula on the 15th day of March 1893 and shall take as the standard for said apportionment of indebtedness the assessment for the year 1892 as determined by the Board of Equalization of said County of Missoula.

SECTION 5. That the Treasurer of Missoula County shall at the time of the adjustment as provided in section 4 of this Act make out and transmit to the County Commissioners of Flathead County lists of all delinquent taxes and amounts of all uncollected taxes within the limits of Flathead County as above established; provided that no delinquent taxes due the County of Missoula shall be considered in the adjustment of the debt as hereinbefore provided, but it shall be the duty of the Treasurer of Missoula County to collect such delinquent taxes and to turn over to the Treasurer of Flathead County its pro

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rata share of such taxes as he may be able to collect within thirty days after making such collection. It is further provided that should there be a surplus of funds in the hands of the Treasurer of Missoula County after the adjustment as hereinbefore provided said surplus shall be divided between the Counties of Missoula and Flathead in the same manner as herein provided for dividing the indebtedness.

SECTION 6. If upon the adjustment of said indebtedness, it should be found that the said County of Flathead should assume and pay any amount of the same, it shall be the duty of the County Commissioners of said Flathead County to cause to be made out and delivered to the County Commissioners of Missoula County, a warrant for the amount found to be due, which said warrant upon presentation shall be endorsed by the Treasurer of said Flathead County, "Not paid for want of funds" and shall thereafter draw interest as other County warrants.

SECTION 7. The County Commissioners of said County of Flathead, for the purpose of funding and paying any indebtedness which may be incurred by reason of assuming any of the indebtedness of Missoula County, are hereby authorized and empowered to cause to be issued and to sell at not less than par, the bonds of said County of Flathead in an amount equal to said indebtedness so incurred in the manner provided by law for the issuing and sale of County bonds.

SECTION 8. The Treasurer of the County of Missoula shall transfer and pay over to the Treasurer of the County of Flathead such moneys as may be on hand on the first day of March, A. D. 1893, to the credit of such school districts as may be embraced within the limits of said Flathead County and formerly in said Missoula County. Such moneys shall be received and held by the Treasurer of the County of Flathead to the credit and for the use of the same school districts as they formerly existed in said County of Missoula.

SECTION 9. The following named persons are hereby appointed to fill the offices set opposite their respective names:

Frank H. Emerson, County Commissioner.
Thomas A. Churchill, County Commissioner.
Samuel Pratt, County Commissioner.
Joseph Gangner, Sheriff.
A. J. King, Treasurer.
James F. Vogt, Clerk and Recorder.
John Graves, Assessor.
Sidney M. Logan, County Attorney.
Hugh G. Swaney, Clerk District Court.
Miss. Alice Hill, Superintendent County Schools.

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Arthur Hamilton Coe, Coroner.

A. C. Sheldon, Public Administrator.

Dan P. Mumbone, County Surveyor.

All of said officers shall have the same powers and duties and shall be entitled to the same fees, emoluments and salaries as are conferred upon like officers in other counties in this State, and shall in like manner give bonds and shall enter upon the discharge of their respective duties, upon giving bonds as required by law upon the first day of March 1893, and shall hold their respective offices until their successors are elected and qualified. The bonds given by the respective officers shall be filed with and be approved by the State Auditor.

SECTION 10. That all the township precinct and school officers within the limits of Flathead County shall hold their offices and exercise their duties for the term for which they were elected and until their successors are elected and qualify.

SECTION 11. The Board of Commissioners of said County of Flathead is authorized and empowered and it is hereby made its duty to let to the lowest responsible bidder a contract for transcribing and indexing all records of property lying and being within the limits of said County of Flathead in proper books to be furnished by said Board of Commissioners, which said transcript and index when completed shall be carefully compared with the original records of Missoula County by the County Clerk thereof, who shall certify to their correctness under his official seal and thereafter the said copy of said records so transcribed and certified to shall be admitted and received in evidence in all Courts of Law in this State and shall in all respects be entitled to like faith and credit as the original records.

The County Clerk of said County of Missoula shall receive as compensation for so comparing and certifying to said transcript of records the sum of five dollars per day for each day actually employed which said amount shall be paid by the County of Flathead by a warrant drawn on the contingent fund of said County in the manner provided by law for the issuing of county warrants.

SECTION 12. The boundaries of Choteau and Missoula Counties are hereby altered so as to conform to the boundaries of Flathead County as established by this Act.

SECTION 13. This Act shall take effect from and after March 1st 1893.

APPROVED Feby. 6, 1893.

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An Act to Create the County of Valley, to Define Its Boundaries, and Provide for Its Organization.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That all that portion of the State of Montana embraced within the following boundaries to-wit: Beginning in the middle channel of the Missouri River on the one hundred and eighth meridian of longitude, thence north along the one hundred and eighth meridian of longitude to the intersection of the forty-ninth parallel of latitude, thence due east along the forty-ninth parallel of latitude to the intersection of the one hundred and fourth meridian of longitude; thence due south along the one hundred and fourth meridian of longitude to the middle channel of the Missouri River; thence up the Missouri River in the middle of the main channel thereof, to the one hundred and eighth meridian of longitude, it being the place of beginning, be and the same is hereby created, set apart and established as a County to be known as and called Valley County.

The town of Glasgow, situated within the boundaries above mentioned shall be the County Seat of said County until some other place within said County shall be designated as such in the mode and manner provided by law. All laws of general nature applicable to the several Counties of this State, are hereby made applicable to said County of Valley, and to the officers who may hereafter be elected or appointed therein, except as otherwise provided in this Act.

SECTION 2. That the indebtedness of Dawson County, as the same shall exist on the first day of March, 1893, shall be apportioned between the County of Dawson and the County of Valley, by first deducting from said indebtedness the amount of all moneys on hand, and all moneys belonging to said Dawson County, and also deducting the value of all real and personal property within and belonging to said County of Dawson on said first day of March, 1893, and the remainder of said indebtedness shall be apportioned between the respective Counties, in proportion to the amount of taxable property in each of said Counties; said amount of taxable property to be ascertained and said apportionment and valuation of County property to be made by a commission consisting of the Boards of County Commissioners of Dawson and Valley Counties and George R. Milburn, Judge of the Seventh Judicial District of the State of Montana; which said commission shall meet at the Court-house in the Town of Glendive on the fifteenth day of March, 1893, and shall take as the standard for such apportionment of indebtedness the assessment for the year 1892, as determined by the Board of Equalization of said County of Dawson.

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SECTION 3. If upon the adjustment of such indebtedness, it should be found that the said County of Valley should assume and pay any amount of the same, it shall be the duty of the County Commissioners of said Valley County to cause to be made out and delivered to the County Commissioners of Dawson County, warrants on the County fund in the sum of one thousand dollars each, and fraction thereof if such there be, for the amount found to be due, which said warrants, upon presentation, shall be endorsed by the Treasurer of said Valley County "Not paid for want of funds," and shall thereafter draw interest as other County warrants.

SECTION 4. It shall be unlawful for said Board of County Commissioners of Valley County to issue any warrant or warrants in any sum or to incur any indebtedness, enter into any contract, or incur any liability for or on behalf of Valley County, until they shall have fully complied with the provision of Sections 2 and 3 of this Act.

SECTION 5. The Board of County Commissioners and the Treasurer of Dawson County, shall, at their regular meeting in March, 1893, ascertain the amount of moneys in the school fund belonging to (whether apportioned or not) the several school districts embraced within the limits of the said County of Valley which have been carved out of the County of Dawson, and the County Treasurer of Dawson County, shall, during the month of March, 1893, and upon the receipt of the warrants specified in Section 3, of this Act, transfer and pay over to the Treasurer of the County of Valley such moneys as may be on hand at the said March meeting of said Board of County Commissioners of Dawson County, and as by them and the said Treasurer thereof, found to belong to the school districts of the said County of Valley. Said funds so transferred shall be held by the Treasurer of the said County of Valley to the credit and for the use of the same school districts as were credited to the County of Dawson, where they were originally designated and bounded.

SECTION 6. At the next general election in 1894, there shall be elected by the qualified electors in the County of Valley three County Commissioners, one of which shall be elected for a term of two years, and two Commissioners for a term of four years, one Clerk of the Board of County Commissioners, an ex-officio Recorder, one Sheriff, one County Treasurer, one County Superintendent of common schools, one County Surveyor, one County Assessor, one Clerk of the District Court, one County Attorney, one Coroner, one Public Administrator, two Justices of the Peace and two Constables for each Township; the term of office for the above named officers shall begin upon the first Monday of January, 1895, except the County Treasurer,

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whose term of office shall begin upon the first Monday of March, 1895.

SECTION 7. The following named persons are hereby appointed to the respective office set opposite their names, to-wit:

E. D. Colman, Commissioner.
J. L. Truscott, Commissioner.
Andrew Fine, Commissioner.
Charles E. Hall, Clerk and Recorder.
James Deegan, Sheriff.
Allan J. McMillan, Treasurer.
William W. Mabee, Clerk District Court.
John J. Kerr, County Attorney.
O. D. Polley, Assessor.
Henry Hedges, Superintendent of Schools.
Julius Peterson, Public Administrator.
William Beary, Coroner.
George Hayden, County Surveyor.

Who shall have the same powers, duties and privileges as are by law conferred upon like officers in other Counties in this State, and who shall hold their offices from the first Monday in March, A. D. 1893, and until the first Monday in January, A. D. 1895, except as to the County Treasurer, whose term shall end on the first Monday of March, A. D. 1895, and until their successors are elected and qualified, and who shall be entitled to receive the same salaries and fees as are now fixed by law for like officers in other Counties in this State; provided however, that such salaries shall not commence until said officers shall enter upon the discharge of their duties, and shall have qualified according to law.

SECTION 8. The County Commissioners of Valley County shall have the authority to contract for transcribing such part of the public records of Dawson County as they may deem useful and necessary to the County of Valley and the inhabitants, and for such purpose shall have suitable access to the records of Dawson County. Said Transcripts when completed shall be carefully compared with the originals by the County Clerk of Dawson County, and when correct shall be by him so certified under his hand and seal, and thereafter the records so transcribed and certified to shall be received and admitted in evidence in all Courts in this State, and shall be in all other respects entitled to like faith and credit as said original records.

SECTION 9. It shall be the duty of the County Treasurer of Dawson County to make out a list of all persons who are delinquent for taxes due and who are residents of or are assessed or taxed upon

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property included within the boundaries of the said County of Valley, on or before March 1st, 1893, and immediately thereafter transmit said list to the Treasurer of Valley County, who shall thereupon collect the same in the manner provided by law for the collection of delinquent taxes, and the taxes so collected shall immediately be placed to the credit of said Valley County by the Treasurer thereof.

SECTION 10. All district and township officers within the County of Valley whose election or appointment is not herein provided for, shall or may continue to hold office and exercise the duties pertaining thereto until the expiration of the term for which such officers were respectively elected or appointed.

SECTION 11. The County boundaries of Dawson County are hereby altered to conform to the County boundaries of Valley County, as established by this Act.

SECTION 12. The said County of Valley is hereby added to and made a part of the Tenth Judicial District of the State for Judicial purposes.

SECTION 13. This Act shall take effect March 1st, 1893.

APPROVED Feby. 6, 1893.

An Act to Create the County of Teton, to Define Its Boundaries and to Provide for Its Organization and the Election of the Officers Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That all that portion of the State of Montana embraced within the following boundaries to-wit: Beginning at a point in the center of Sun River where the same intersects the west line of Cascade County, running thence north to the southwest corner of township twenty-two (22) North, Range Two (2) West; thence east east to the principal meridian of Montana, thence due north to the northern boundary of the United States and the State of Montana; running thence due West along the said boundary line of the United States to the summit of the main range of the Rocky Mountains; running thence southeasterly, meandering along the summit of the main range of the Rocky Mountains to the head waters of the North Fork of the Sun River and thence southeasterly meandering and following the center of the channel of the North Fork of the Sun River to Sun River; thence meandering down Sun River to the place of beginning, shall be known and designated as the County of Teton. The Town of Choteau situated within the boundaries above mentioned

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shall be the temporary County seat of said County until the permanent County Seat shall be designated as hereinafter provided. And for the purpose of finally fixing and creating the County Seat of the County hereby created, the Board of County Commissioners of Teton County shall cause to be inserted in the official ballots when printed for the general election held the first Tuesday after the first Monday in November A. D. 1894, at the foot of the names of the nominees therein, the following:

"For the County Seat of Teton County....."

and the electors when voting at the said general election shall declare their vote upon said proposition by inserting in the blank space upon their ballot herein provided for the name of some one town within said County of Teton, and when the name of a town shall be so inserted in the said space by an elector, and the ballots have been cast, as provided by law, the same shall be deemed a vote for the designated town as the place of the County Seat of Teton County, and upon a canvass of the said ballots, the town having the highest number of votes shall be declared by the canvassing board the County Seat of Teton County which result shall be entered of record in the County Commissioners' books, and from the date of such declaration of result the town so elected shall be and remain until lawfully changed, the County Seat of Teton County. All laws of a general nature applicable to the several Counties of the State of Montana and the officers thereof, are hereby made applicable to said County of Teton, and the officers who may hereafter be elected or appointed therein except as otherwise provided in this Act.

SECTION 2. That the indebtedness of Choteau County, as the same shall exist on the first day of March A. D. 1893, shall be apportioned between the County of Choteau and the County of Teton by first deducting from the said indebtedness all moneys on hand in the Treasury of the said County of Choteau, and all moneys belonging to said County in the possession of or under the control of the County Treasurer thereof; also deducting the value on the first day of March A. D. 1893, of the Court House and furniture and County Jail, said valuation to be determined by a Commission, consisting of two County Commissioners of Choteau County, and two County Commissioners of the County of Teton, and William H. Hunt, Judge of the First Judicial District of the State of Montana, and the valuation of all real estate owned by said County of Choteau, as shown by the books and records of the Board of County Commissioners thereof; the remainder of the indebtedness shall be divided between the Counties of Choteau and Teton in proportion as the taxable property of that portion of the

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former embraced within the boundaries as described in this Act organizing the County of Teton, bears to the entire taxable property of the present County of Choteau, taking as the standard therefor the assessment for the year 1892, provided, that the Treasurer of Choteau County shall at the time of the adjustment as herein provided, make out and transfer to the County Commissioners of Teton County a list of all delinquent taxes and amounts of all uncollected taxes within the limits of the County of Teton as above established; provided, further, that no delinquent taxes due the County of Choteau shall be considered in the adjustment of the debt as hereinbefore provided, but it shall be the duty of the Treasurer of Choteau County to collect such delinquent taxes, and to turn over to the Treasurer of Teton County its pro rata share of such taxes, as he may be able to collect within thirty days after making such collection. And it is further provided, should there be a surplus of funds in the hands of the Treasurer of Choteau County after the adjustment, as hereinbefore provided, said surplus shall be divided between the Counties of Choteau and Teton, in the manner as herein provided for dividing the indebtedness.

SECTION 3. The Commission named in Section two (2) of this bill shall meet at the Court house at Fort Benton, on the first Monday of March A. D. 1893, to adjust the indebtedness between the said Counties named in section two (2) of this Act. When adjusted, if the County of Teton shall be liable for any part thereof, it is hereby made the duty of the County Commissioners of said Teton County, at their first regular session, to cause to be issued to the County Commissioners of Choteau County a warrant therefor equal to the amount of the indebtedness, for which the County of Teton shall under the adjustment herein provided for be liable, which said warrant, if not paid upon presentation to the Treasurer of Teton County, shall be by said Treasurer endorsed "Not paid for want of funds in the Treasury" and shall thereafter bear like rate of interest as other County warrants.

SECTION 4. The Treasurer of the County of Choteau shall transfer and pay over to the Treasurer of the County of Teton such moneys as may be on hand on the first day of March A. D. 1893, to the credit of such school districts embraced within the limits of the said County of Teton, and formerly in the County of Choteau. Such moneys shall be received and held by the Treasurer of the County of Teton to the credit, and for the use of the same school districts as they formerly existed in the said County of Choteau.

SECTION 5. The following names presented are hereby appointed to the following offices, set opposite their names respectively:

W. S. Clark, County Commissioner.

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J. P. Flint, County Commissioner.
C. Wallace Taylor, County Commissioner.
C. L. Bristol, Treasurer.
J. E. Wamsley, Clerk and Recorder.
A. B. Hamilton, Sheriff.
S. F. Ralston, Jr., Assessor.
Sterling McDonald, Clerk of the District Court.
J. G. Bair, Superintendent of Public Instruction.
James Sulgrove, County Attorney.
Byron Coeson, Public Administrator.
J. H. Day, County Surveyor.
S. H. Drake, Coroner.

Who shall have the same powers, duties and privileges as are by law conferred upon like officers in other Counties in this State, and who shall hold their respective offices from the first day of March A. D. 1893, until after the general election to be held A. D. 1894, or until their successors are elected and qualified. Said County Commissioners, before entering upon their duties, shall severally give the bonds, and take the oath required of County Commissioners. Said bond shall be filed with and approved by the State Auditor.

SECTION 6. That at their first meeting the said Commissioners of Teton County are empowered to subdivide said County into Municipal Townships and establish Road Districts, and they are hereby authorized to appoint two Justices of the Peace and two Constables for each Municipal Township, and one Road Supervisor for each Road District, who shall hold their respective offices until the general election in 1894, and until their successors are elected and qualified.

SECTION 7. Said County Commissioners shall contract for transcribing such part of the public records of Choteau County as they may deem useful and necessary to the County of Teton and its inhabitants, and for that purpose shall have suitable access to the records of Choteau County, the copy of which said record when completed shall be carefully compared with the originals by the County Clerk of Choteau County and if so found he shall certify to their correctness under his official seal and thereafter the copies of said records so transcribed and certified to, shall be admitted and received in evidence in all Courts of Law in this State; and shall in all other respects be entitled to like faith and credit as such original records.

SECTION 8. All township and precinct officers, road supervisors, officers of school districts, and all other officers within and for the County of Teton, whose election or appointment is not provided for shall or may continue to hold the office and exercise the duties pertain-

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ing thereto until the expiration of the term for which said officers were elected or appointed.

SECTION 9. No Court house shall be constructed by said County of Teton, until the assessed valuation of property within said County shall exceed the sum of three million dollars.

SECTION 10. The County boundaries of Choteau and Missoula Counties are hereby altered, so as to conform to the boundaries of Teton County, as established by this Act.

SECTION 11. The County of Teton shall be attached to and form a part of the Tenth Judicial District, of the State of Montana.

SECTION 12. This Act shall take effect from and after March 1st, 1893.

APPROVED Feby. 7, 1893.

An Act to Create the County of Ravalli; to Define Its Boundaries and to Provide for Its Organization.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That portion of the State of Montana, lying and situated within the following boundaries viz:—Beginning at the summit of the Bitter Root range, on the boundary line between the States of Montana and Idaho, at the head waters of Lou Lou Creek, thence in an easterly direction down the channel of said Creek to the boundary line between townships eleven and twelve, north of range twenty, west of the principal meridian, and following said line due east to the eastern boundary line of Missoula County; thence south and easterly along said line to the boundary line between the Counties of Missoula and Beaverhead; thence in a southwesterly direction along said boundary line to the boundary line between the States of Idaho and Montana; thence in a northerly direction along said line to the place of beginning, be, and the same is hereby created, set apart and established as a County to be known and called Ravalli County. That the Village of Stevensville, situated within said boundaries, shall be the County Seat of the said Ravalli County until some other place within said boundary shall be designated as provided by law.

All laws of a general nature applicable to the several Counties of this State, and the offices thereof are hereby made applicable to said Ravalli County, and the officers who may be hereafter elected or appointed therein.

SECTION 2. That the indebtedness of Missoula County, as the same shall exist on the first day of April, 1893, shall be apportioned

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between the County of Missoula and the County of Ravalli by first deducting from said indebtedness the amount of all moneys on hand, and all moneys belonging to said Missoula County, and also deducting the value of all real and personal property within and belonging to said County of Missoula on said first day of April, 1893, and the remainder of said indebtedness shall be apportioned between the respective Counties in proportion to the amount of taxable property in each of said Counties, said amount of taxable property to be ascertained and said apportionment and valuation of County property to be made by a commission consisting of the Boards of County Commissioners of Missoula and Ravalli Counties and the Judge of the Third Judicial District of the State of Montana, which said commission shall meet at the Court house in the City of Missoula on the fifteenth day of April 1893, and shall take as the standard for such apportionment of indebtedness the assessment for the year 1892 as determined by the Board of Equalization of said Missoula County.

SECTION 3. The following named persons are hereby appointed to fill the offices set opposite their names respectively to-wit:

J. M. Johnson, County Commissioner.
B. S. Chaffin, County Commissioner.
Abe Mettower, County Commissioner.
Thomas Irvine, Sheriff.
John A. Landrum, Treasurer.
R. Gwinn, Clerk of Court.
Charles Johnson, County Clerk.
J. H. Simpson, Assessor.
" " " Auditor.
L. J. Knapp, County Attorney.
J. J. Bond, Superintendent of Schools.
T. B. Owens, Coroner.
G. T. Jones, County Surveyor.
J. W. Lancaster, Public Administrator.

Who shall have the same powers, duties and privileges as are by law conferred upon like officers in other Counties, and who shall hold their respective offices until after the next general election or until their successors are duly elected and qualified. Said County Commissioners before entering on their duties shall severally give the bond and take the oath required of County Commissioners; said bond shall be filed and approved by the State Auditor.

SECTION 4. At the next general election three County Commissioners shall be voted for in the County of Ravalli. The two persons receiving the highest number of votes for County Commissioner shall

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hold the office until the next general election of 1898, and until their successors are elected and qualified and the person receiving the next highest number of votes for County Commissioner shall hold his office until the general election in the year 1896, and until his successor is elected and qualified.

SECTION 5. All township and precinct officers, and all other officers of any kind, within the said County of Ravalli whose election or appointment is not herein provided for, shall or may continue to hold the offices and exercise the duties pertaining thereto until the expiration of the term for which they were respectfully (respectively?) elected or appointed.

SECTION 6. That the officers mentioned in section three of this Act shall each be allowed to receive an annual compensation for their services as such officers as follows, to-wit:

Treasurer, Twenty-two hundred dollars.

Sheriff, Twenty-seven hundred dollars.

Assessor, Eighteen hundred dollars.

County Clerk, Twenty-two hundred dollars.

Clerk of Court, Fifteen hundred dollars.

County Attorney, Twelve hundred dollars.

Superintendent of Schools, One thousand dollars.

Said salaries shall commence when said officers shall enter upon their respective duties.

SECTION 7. It shall be the duty of the Treasurer of Missoula County to make out and transfer to the County Commissioners of Ravalli County for the use of said County lists of all delinquent taxpayers and amounts of uncollected taxes within the limits of said Ravalli County, which delinquent taxes shall belong to Ravalli County and be collected by its Treasurer.

SECTION 8. The Commissioners of the County of Ravalli shall have power to contract for transcribing such parts of the public records of Missoula County as they may deem necessary and useful to the County of Ravalli and its inhabitants, and for this purpose shall have suitable and necessary access to the records of Missoula County. Said records when completed, shall be carefully compared with the originals by the County Clerk of Missoula County, and if correct, he shall certify to their correctness under his official seal, and thereafter the copies of said records so transcribed and certified to shall be admitted and received in evidence in all the Courts of this State, and shall be in all other respects entitled to like faith and credit as said original records. And the County of Missoula shall receive the sum of six dollars per day for the services of the Clerk thereof actually

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rendered in comparing and certifying to the correctness of the copy of said record, which amount shall be paid by the County of Ravalli in the manner provided by law for the payment of County obligations.

SECTION 9. This Act shall take effect and be in force on and after the first day of April, 1893, and the County of Ravalli shall be attached to and become a part of the Fourth Judicial District of this State for Judicial purposes.

SECTION 10. The County boundaries of the County of Missoula are hereby altered to conform to the County boundaries of Ravalli County as established by this Act.

APPROVED Feby. 16, 1893.

An Act to Amend an Act Entitled "An Act to Create the County of Ravalli, to Define Its Boundaries and to Provide for Its Organization," Approved the.....Day of February, 1893.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That section 1 of said Act be amended to read as follows:

SECTION 1. All that portion of the State of Montana lying and situated within the following boundaries, to-wit: South of a line drawn due east and west across the Bitter Root Valley from the Deer Lodge County line on the east, to the Idaho line on the west, on the township line dividing townships eleven (11) North, Range Twenty (20) West from ten (10) North, Range Twenty (20) West, be and the same is hereby created and set apart and established as a County to be known and called Ravalli County. That the Village of Stevensville, situated within said boundaries, shall be the County Seat of the said Ravalli County until some other place within the said boundaries shall be designated, as provided by law. All laws of a general nature applicable to the several counties of this State and the officers thereof are hereby applicable to said Ravalli County and the officers who be hereafter elected or appointed therein.

APPROVED Mch. 2, 1893.

An Act to Create the County of Granite, to Define Its Boundaries and to Provide for Its Organization and Government.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. That all of that portion of the State of Montana embraced within the following boundaries shall be known as, and shall be

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Granite County, in the State of Montana, to-wit: Beginning at a point on the present south boundary of Deer Lodge County, where it intersects the Flint Creek Guide Meridian, thence north along said Flint Creek Guide Meridian to the N. E. corner of T. 5 N., R. 14 W.; thence running east by township lines to a point at the intersection with the line between ranges 11 and 12 West, and running thence north by township lines to the intersection with the divide between Big Blackfoot and Hell Gate Rivers; thence westerly along the summit of said divide to the intersection with the west boundary line of Deer Lodge County, thence following said west boundary of Deer Lodge County, to the northeast corner of Ravalli County, thence along the north boundary line of said county to a point due north of the summit of the mountain range dividing Rock Creek and Bitter Root Rivers; thence south along the summit of said range and following said summit as it trends easterly to a point on the Flint Creek Guide Meridian; thence north along said Flint Creek Guide Meridian to its intersection with the present south boundary of Deer Lodge County which is the place of beginning.

SECTION 2. That for Judicial purposes said County shall be attached to and become a part of the Third Judicial District of this State, and regular terms of the District Court, as fixed by law, shall be held at the County Seat of the said County of Granite.

SECTION 3. That the Town of Philipsburg situated within the boundaries above mentioned, shall be the temporary county seat of said County until the permanent County Seat shall be designated as hereinafter provided. And for the final fixing and creating a County Seat of the County hereby created, the Board of Commissioners of Granite County shall cause to be inserted in the official ballots when printed for the general election held on the first Tuesday after the first Monday in November, A. D. 1894, at the foot of the names of the nominees therein, the following: "For the County Seat of Granite County" and the electors when voting at the said general election shall declare their vote upon said proposition by inserting in the blank space upon the ballot herein provided for, the name of some town within the County of Granite, and when the name of a town shall be so inserted within said space by an elector, and the ballot shall be cast as provided by law, the same shall be deemed a vote for the designated town as a place for the County Seat of Granite County, and upon a canvass of said ballots the town having the greatest number of votes shall be determined by the canvassing Board, the County Seat of Granite County, which result shall be entered of record in the County Commissioners' book, and from the date of such declaration

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of result the town so elected shall be and remain until lawfully changed, the County Seat of Granite County.

SECTION 4. That the indebtedness of Deer Lodge County, as the same shall exist on the first day of March, 1893, shall be apportioned between the County of Deer Lodge and the County of Granite, by first deducting from said indebtedness the amount of all moneys on hand and all moneys belonging to said Deer Lodge County, and also deducting the value of all real and personal property within and belonging to said County of Deer Lodge on said first day of March, 1893, and the remainder of said indebtedness shall be apportioned between the respective Counties in proportion to the amount of taxable property in each of said Counties, said amount of taxable property to be ascertained and said apportionment and valuation of County property to be made by a commission consisting of the Boards of County Commissioners of Deer Lodge and Granite Counties and one of the Judges of the Second Judicial District of the State of Montana, which said commission shall meet at the court house in the City of Deer Lodge on the 17th day of April, A. D. 1893 and shall take as the standard for said apportionment of said indebtedness, the assessment for the year 1892, as determined by the Board of Equalization of said County of Deer Lodge.

SECTION 5. That the indebtedness of Missoula County as the same shall exist on the first day of March, 1893, shall be apportioned between the County of Missoula and the County of Granite by first deducting from said indebtedness the amount of all moneys on hand, and all moneys belonging to said Missoula County, and also deducting the value of all real and personal property within and belonging to said County of Missoula, on the said first day of March, 1893, and the remainder of said indebtedness shall be apportioned between the respective counties in proportion to the amount of taxable property in Missoula County, and that part of Granite County taken from the County of Missoula, said amount of taxable property to be ascertained, and said apportionment and valuation of County property to be made by a commission consisting of the County Commissioners of Missoula and Granite Counties and one of the Judges of the Second Judicial District of the State of Montana, which said commission shall meet at the Court House in the City of Missoula on the 27th day of April, 1893, and shall take as the standard for said apportionment of indebtedness the assessment for the year 1892, as determined by the Board of Equalization of said County of Missoula.

SECTION 6. That the Treasurers of Missoula and Deer Lodge Counties shall at the time of the adjustment as provided in section 5

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of this Act, make out a transcript to the County Commissioners of Granite County, lists of all delinquent taxes and the amounts of all uncollected taxes within the limits of Granite County as above established, as shown by the records of their respective offices.

Provided: That no delinquent taxes due the County of Deer Lodge or the County of Missoula shall be considered in the adjustment of the debt as hereinbefore provided, but it shall be the duty of the Treasurers of Deer Lodge and Missoula Counties to collect such delinquent taxes and to turn over to the Treasurer of Granite County its pro rata share of such taxes as they may be able to collect within thirty days after making such collection. It is further provided: That should there be any surplus of funds in the hands of the Treasurers of Deer Lodge and Missoula Counties after the adjustment as hereinbefore provided, said surplus shall be divided between the Counties of Deer Lodge and Granite, and the Counties of Missoula and Granite in the same manner as hereinbefore provided for dividing the indebtedness.

SECTION 7. If upon the adjustment of said indebtedness it shall be found that the said County of Granite should assume and pay any amount of the same to the County of Deer Lodge or the County of Missoula, it shall be the duty of the County Commissioners of said Granite County to cause to be made out and delivered to the County Commissioners of Deer Lodge County, or Missoula County a warrant for the amount found to be due, which said warrant, upon presentation, shall be endorsed by the Treasurer of said County "Not paid for want of funds" and shall thereafter draw interest as other county warrants.

SECTION 8. The County Commissioners of said Granite County, for the purpose of funding and paying any indebtedness which may be incurred by reason of assuming any of the indebtedness of Deer Lodge and Missoula Counties, are hereby authorized and empowered to cause to be issued and sold at not less than par, the bonds of said County of Granite in an amount equal to said indebtedness so incurred in the manner provided by law for the issuing and sale of County bonds.

SECTION 9. The Treasurer of the County of Deer Lodge shall transfer and pay over to the Treasurer of the County of Granite such moneys as may be on hand on the first day of March, A. D. 1893, to the credit of such school districts as may be embraced within the limits of said Granite County, and formerly in said Deer Lodge County. And the Treasurer of the County of Missoula shall transfer and pay over to the Treasurer of the County of Granite such moneys as may be on hand on the first day of March, 1893, to the credit of such

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school districts as may be embraced within the limits of said Granite County, and formerly in said Missoula County. Such moneys shall be received and held by the Treasurer of the County of Granite to the credit and for the use of the same school districts as they formerly existed in said Counties of Deer Lodge and Missoula.

SECTION 10. The following named persons are hereby appointed to fill the office set opposite their respective names:

George B. Cain, County Commissioner.
George W. Morse, County Commissioner.
Ernest C. Freyschlag, County Commissioner.
John H. Cole, Sheriff.
Arthur A. Fairbairn, Treasurer.
George J. Reek, Clerk and Recorder.
William E. Allbright, Assessor.
Wingfied L. Brown, County Attorney.
Josiah Shull, Clerk District Court.
Mrs. Abbie W. Wilkinson, Supt. County Schools.
William Ray, Coroner.
R. M. Ferguson, Public Administrator.
George Wilson, County Surveyor.

All of said officers shall have the same power and duties and shall be entitled to the same fees, emoluments and salaries as are conferred upon like officers in other counties of this State, and shall in like manner give bonds, and shall enter upon the discharge of their respective duties upon giving bonds as required by law upon the first day of April, 1893, and shall hold their respective offices until their successors are elected and qualified. The bonds given by the respective officers shall be filed with and be approved by the State Auditor.

SECTION 11. That all the township and precinct school officers within the limits of Granite County shall hold their office and exercise their duties for the term for which they were elected, and until their successors are elected and qualified.

SECTION 12. The Board of County Commissioners of said County of Granite is authorized and empowered and it is hereby made its duty to let to the lowest responsible bidder a contract for transcribing and indexing all records of property lying and being within the limits of said County of Granite, in proper books to be furnished by said Board of Commissioners, which said transcript, and index when complete, shall be carefully compared with the original records of Deer Lodge and Missoula Counties by the County Clerks thereof, respectively, who shall certify to their correctness under their official seals, and thereafter said copy of said record so transcribed and certified to

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shall be deemed and received in evidence in all Courts of law in this State, and shall in all respects be entitled to like faith and credit as the original records. The County Clerk of said County of Deer Lodge shall receive as compensation for so comparing and certifying the said transcript of record the sum of five dollars per day, and the County Clerk of the said County of Missoula shall receive as compensation for so comparing and certifying the said transcript of record the sum of five dollars per day, which said amount shall be paid by the County of Granite by warrant drawn on the contingent fund of said County in the manner provided by law for the issuing of county warrants.

SECTION 13. The boundaries of Deer Lodge County and of Missoula County are hereby altered so as to conform with the boundaries of Granite County, as established by this Act.

SECTION 14. This Act shall take effect from and after the date of its passage and approval.

APPROVED Mch. 2, 1893.

An Act, Providing for the Transcribing of County Records of Segregated Counties.

Be it enacted by the Legislative Assembly of the State of Montana:

SECTION 1. Any County or Counties of the State of Montana, that shall heretofore have been or may hereafter be formed from portions of another County, shall be entitled to have the county records affecting or relating to any and all property situate in the county segregated, transcribed from the books of the original county and made a part of the records of the county segregated.

SECTION 2. It shall be the duty of the County Commissioners of any County heretofore formed or that may be hereafter formed from part of another County, to have so much of the records of the original county as relates to the property situate within the segregated county transcribed as hereinafter provided.

SECTION 3. Said County Commissioners shall have full power and authority to contract for transcribing the records relating to all property situate within the boundaries of the segregated county, and for that purpose the person or persons engaged in the work of transcribing such records, shall have access to all records of the county, or counties, from which segregated.

SECTION 4. Payment for transcribing such records shall be made by the county contracting therefor, by a warrant or warrants payable out of the General Fund of such County.

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SECTION 5. When the transcript of such records herein provided for shall be completed and approved by the County Commissioners of such county, they shall be delivered to the County Clerk and Recorder of the County from which such records were taken, and it shall be the duty of such County Clerk and Recorder to compare the records so transcribed with the original records as the same appear on the record books of the said original County. The County Clerk and Recorder to whom the said transcript shall be delivered for comparison shall certify under oath that the said transcribed records are full, complete and exact copies of the original records, and the said County Clerk and Recorder shall be entitled to SIX ($6.) Dollars, per day for his time actually spent in comparing the said records, to be paid out of the general fund of the County requiring such comparison and certificate.

SECTION 6. All records so transcribed, when certified to as being full, complete and correct, shall be delivered to the County Clerk and Recorder of the segregated County, and shall be filed in the office of the County Clerk and Recorder of such segregated County, and shall thereupon become and be a part of the records of such County.

SECTION 7. A certified copy of the records so transcribed and filed in the office of the County Clerk and Recorder of any segregated county, may be introduced in evidence and shall have the same force and effect as certified copies of original records.

SECTION 8. All Acts, and parts of Acts in conflict with the provisions of this Act are hereby repealed.

APPROVED Mch. 2, 1893.

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RESOLUTIONS AND MEMORIALS.

HOUSE JOINT MEMORIAL NO. 1.

Whereas, We believe there is a general desire upon the part of the legal voters of the State of Montana that United States Senators should be elected by a direct vote of the people; and,

Whereas, The election of United Senators by the Legislative Assemblies, under the present provisions, retards and delays the business of their sessions very seriously;

Therefore, be it resolved by the House, the Senate concurring:

That we are in favor of such amendments to the Constitution and laws of the United States as will provide for the election of United States Senators by a direct vote of the people; and that we urge our Senators and Representatives in Congress to use their best endeavors to secure such amendments.

Further, That the Secretary of State be and he is hereby instructed to furnish a copy of this Memorial to each of our Senators and Representative in Congress.

APPROVED Feby. 13, 1893.

HOUSE JOINT MEMORIAL NO. 2.

To the House of Representatives Praying for the Passage of a Law for the Free Coinage of Silver.

To the Honorable, the House of Representatives of the United States:

Your memorialists, the Third Legislative Assembly of the State of Montana, believing that gold and silver are the constitutional money metals, and for nearly a century maintained by just and wise laws upon a ratio with each other, and believing that all legislation tending

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to debase silver as an equal on such ratio with gold has been destructive of the prosperity of our Nation and of the whole people; and believing that the creditor class of our people have received too much consideration at the hands of Congress in demonetizing silver and destroying a large proportion of the currency of our country, thereby doubling the value of gold, and increasing its purchasing power without increasing its power to pay obligations already contracted; and believing that much of the stringency in the money market and many of the financial and business failures in these prosperous times of peace are due to this unwarranted contraction of the currency to a single standard or gold basis.

And believing, further, that much of the distress of our poorer classes is directly traceable to the demonetization of silver and a contraction of the currency of our country, while the population and commercial interests are expanding rapidly, and requiring an increase of circulating medium rather than a contraction.

And believing further that the business interests of our country demand a greater volume of gold and silver as a circulating medium or currency.

And having unbounded faith in the power and ability of the United States to maintain gold and silver upon the ratio hereafter suggested with each other regardless of the action of other Nations.

We humbly pray for the passage of Senate Bill 51 which passed the Senate July 1st, 1892, providing for the free coinage of silver at the ratio of sixteen of silver to one of gold, upon the same terms and conditions as gold is or may be coined.

And your memorialists, as in duty bound, will ever pray.

APPROVED Feby. 13, 1893.

HOUSE JOINT MEMORIAL TO CONGRESS, No. 3.

Praying for the Passage of Senate Bill 2373, for an Act to Amend Sections 2474 and 2475 of the Revised Statutes of the United States.

To the Honorable: The Senate of the United States:

Your Memorialists, The Third Legislative Assembly of the State of Montana, would most respectfully state the following facts:—

First. One of the largest and most promising mining districts in the State of Montana lies very near to the northeastern boundary of the Yellowstone National Park (but without the limits of the same). This district is rich in silver, lead and gold, and is known as the

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"New World Mining District", and the town which has sprung up at that point is called "Cooke" or "Cooke City."

Second. Because of the large amount of lead in this district, railroad transportation is a vital necessity to the practical development, and must be had before the large number of property owners of the section can realize on their holdings, or its wealth be added to that of Montana and the world.

More than nine hundred bona fide mining claims are opened in this district, and some of them have had many thousands of dollars expended on their development with the most gratifying results, in so far as the amount of ore thereby exposed is concerned.

Third. In a mountainous country, such as that under consideration, it is obvious that when possible, a railroad should follow the depressions of the country made by the water drainage, and that any other location of a railroad will, in comparison, be extremely costly and difficult to construct.

Fourth. Cooke City is drained by Soda Butte Creek, which empties into the East Fork of the Yellowstone River, and which in turn empties into the Yellowstone River itself, and forms a practical route for a railroad from Cooke down along the streams mentioned to connect with the National Park Branch railroad at Cinnabar on the Yellowstone River. The distance from Cooke to Cinnabar along the route mentioned is about sixty-two miles. The entire portion asked to be segregated is far removed from any object of interest to tourists and is consequently never visited by them.

Fifth. There is now pending in the House of Representatives, Senate Bill 2373, which bill has been favorably reported by the House Committee on Public Lands and which has for one of its objects the segregation of that portion of the National Park and restoring to the public domain a strip of land along the northern boundary of the said Park, which, should it become a law, would afford relief to Cooke and to the "New World Mining District", in the opportunities afforded thereby for railroad construction to said points.

THEREFORE, Your Memorialists pray that your Honorable Bodies will speedily cause the above referred to Senate Bill 2373, as reported by the House Committee on Public Lands, to be speedily enacted into a law and thereby remove an obstacle which prevents the advancement of an important section of our State.

And your memorialists will, as in duty bound, ever pray.

APPROVED Feby. 14, 1893.

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HOUSE JOINT MEMORIAL NO. 4.

HELENA, MONTANA, Jan. 1893.

To the Honorable the Senate and House of Representatives, Washington, D. C.

We, your Memorialists, the Third Legislative Assembly of the State of Montana, respectfully represent:

That within the limits of this State there have been approximately but twenty million acres of land surveyed by the Government, and there are approximately seventy million acres of land unsurveyed. During recent years, Acts passed by your Honorable body, appropriating money for the survey of public lands have justly limited the expenditure of such appropriations to the survey of lands suitable for agriculture. In addition to the above referred to limitation, recent Acts of Congress making appropriations for surveys have provided that in expending this appropriation, preference shall be given in favor of surveying townships occupied in whole or in part by actual settlers. This last limitation is construed very rigidly by the Secretary of the Interior and by instructions to the various Surveyors General he directs that officer to, almost without exception require petitions from three or more bona fide agricultural residents upon any given township, before a contract can be drawn up for the survey of such township. With the last referred to limitation in the appropriation Acts, we are in hearty accord because it is just to our people that preference be given in surveying lands to the needs of actual settlers. What we do object to is the construction of the phraseology of the appropriation Act which prevents a reasonable sized area of unoccupied agricultural land being surveyed. The fact that a body of good agricultural land cannot under any circumstances be included in a surveying contract by itself, and surveyed in advance of settlement seriously retards the material development of this State, in the following manner: Almost the entire limits of our State lie within the so-called arid region where irrigation is necessary in order to make agricultural pursuits successful. To practice irrigation with any regard to the requirement of the science, it is necessary to take out from the streams supplying water for the same, large and consequently expensive ditches. In practice this can only be done by a community working in a co-operative way, that is to say: the entire community jointly constructs the main ditch, and each individual member of such community is entitled to his necessary water for irrigation purposes. We are endeavoring in various ways to bring in colonies from without our limits, who will settle upon our vacant and unappropriated lands. We find that we cannot succeed in

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getting desirable colonies to come to this State, unless we can locate them upon surveyed lands. This, not only because prudent men will not construct the costly ditches above referred to upon land to which they can get no title, but also because proposed immigrants are adverse to even considering the question of settling and making improvements upon lands, the metes and bounds of which are not already specifically established by the Government. It is, comparatively speaking an easy matter to get very desirable colonies to settle upon our agricultural lands when the same are surveyed, but without such surveys being first made, it is practically impossible.

In view of the above facts, we respectfully pray:

(1) That you will favor us with a liberal and fair appropriation for surveys, to the end that the ratio between our surveyed and unsurveyed lands may be reduced; and

(2) That you will in the appropriation Act specifically provide that a part of the funds appropriated may be expended in the survey of agricultural lands in advance of settlement.

And thus your Memorialists will ever pray.

APPROVED Feby. 23, 1893.

HOUSE JOINT MEMORIAL NO. 5.

To the Honorable the Senate and House of Representatives of the United States, in Congress Assembled.

Be it Resolved: By your Memorialists, the Third Legislative Assembly of the State of Montana:

That the Representative in Congress from this State be requested, and the Senators representing the State of Montana in the Senate of the United States, be instructed to oppose by their votes, and to use all honorable means to prevent the repeal of the Act of July 14th, 1891, requiring the purchase of 54,000,000 ounces of silver a year and the issue of legal tender notes redeemable in coin therefor, without the substitution at the same time and in the same Act of a provision restoring to the people of the United States the Constitutional standard of Gold and Silver under conditions of Free Bimetallic Coinage, as the same existed prior to the Act of 1873; and that a copy of this Resolution be forwarded the Representative and Senators from this State in the 52d Congress, and also to the members elected to serve in the 53d Congress.

APPROVED Mch. 1, 1893.

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SENATE JOINT RESOLUTION NO. 1.

Joint Resolution Relating to the Immigration of Paupers, Criminals and Dependent Persons.

Be it Resolved by the Senate of the State of Montana, the House of Representatives Concurring,

That the Senate and House of Representatives of the State of Montana respectfully request the Congress of the United States, and the Legislative Assemblies, of the several States, to enact laws establishing a uniform policy of immigration from foreign nations and of immigration from State to State, of persons who are dependent upon charity and are of idle or vicious habits.

Resolved: That the Secretary, of the State of Montana be requested to transmit copies of the foregoing resolution to the Presiding Officers of the Congress of the United States, to each of the Senators and the Representative from this State, and to the Governors, of the several States of the United States.

APPROVED Mch. 1, 1893.

HOUSE JOINT RESOLUTION NO. 3.

Be it Resolved by the House of Representatives the Senate Concurring:

That the Secretary of State shall and he is hereby directed to furnish and deliver to each Senator and Member of the Third Legislative Assembly one copy each of the journals of the Senate and of the House of Representatives, and of the laws enacted by the Third Legislative Assembly as soon as the same shall have been printed.

APPROVED Mch. 2, 1893.

HOUSE JOINT RESOLUTION NO. 4.

Relative to the Joint Session of March 2d.

Be it Resolved by the Legislative Assembly of the State of Montana, the Senate Concurring:

That the Joint Assembly of the Senate and House of Representatives of the State of Montana, for the purpose of voting for a Senator in Congress, be held this 2d day of March, 1893, at 12 o'clock Meridian, at the building commonly known as the Auditorium Building in the City of Helena, on Warren Street, between Seventh and Eighth Avenues.

APPROVED Mch. 2, 1893.

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